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BENGAL LEGISLATIVE ASSEMBLY
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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Eighth Session, 1940.

15th, 16th, 17th, 18th and 19th July, 1940.

LEGISLATIVE ASSEMBLY

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1940

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency SIR JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

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(2) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

(3) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

(4) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of Public Health (including Medical) and Local Self-Government Departments.

(5) The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of Communications and Works Department.

(6) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Finance, Commerce and Labour Departments.

(7) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(8) The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forests and Excise Departments.

(9) The Hon'ble Mr MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(10) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADRUL OLA.

REGISTRAR.

A. B. CHATTERJEE, Esq.

BENGAL LEGISLATIVE ASSEMBLY

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Aziz, Maulana Md. [Narayanganj East (Muhammadan).]

Abdul Hafiz, Mr. Mirza. [Tangail West (Muhammadan).]

Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]

Abdul Hakeem, Mr. [Khulna (Muhammadan).]

Abdul Hakim, Maulvi. [Mymensingh West (Muhammadan).]

Abdul Hakim Vikrampuri, Maulvi Md. [Munshiganj (Muhammadan).]

Abdul Hamid, Mr. A. M. [Pabna West (Muhammadan).]

Abdul Hamid Shah, Maulvi. [Kishoreganj North (Muhammadan).

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Abdul Jabbar Palwan, Mr. Md. [Jamalpur North (Muhammadan).

Abdul Kader, Mr. [Patuakhali South (Muhammadan).]

Abdul Karim, Mr. [Jamalpur *cum* Muktagacha (Muhammadan).]

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Abdul Majid, Maulvi. [Mymensingh North (Muhammadan).]

Abdul Majid, Mr. Syed. [Noakhali South (Muhammadan).]

Abdul Wahab Khan, Mr. [Bakarganj West (Muhammadan).]

Abdul Wahed, Maulvi. [Mymensingh East (Muhammadan).]

Abdulla-Al Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rahman, Khan Bahadur, A. F. M. [24-Parganas North-East (Muhammadan).]

Abdur Rahman Siddiqi, Mr. (Muslim Chamber of Commerce.)

Abdur Raschid Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rasheed, Maulvi Md. [Birbhum (Muhammadan).]

Abdur Rauf, Khan Sahib Maulvi S. [Howrah (Muhammadan).]

Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]

Abdur Razzak, Maulvi. [Feni (Muhammadan).]

Abdus Shaheed, Maulvi Md. [Dacca North Central (Muhammadan).]

Abidur Reza Chowdhury, Khan Bahadur Maulvi. [Chandpur West (Muhammadan).]

Abu Hossain Sarkar, Maulvi. [Gaibandha North (Muhammadan).]

Abul Fazl, Mr. Muhammad [Madaripur West (Muhammadan).]

Abul Hashim, Maulvi. [Burdwan (Muhammadan).]

Abul Hosain Ahmed, Mr. [Netrokona North (Muhammadan).]

Abul Quasem, Maulvi. [Hooghly (Muhammadan).]

Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh. (Dacca Landholders.)

Aftab Ali, Mr. (Water Transport Trade Union.)

Aftab Hossain Joardar, Maulvi. [Nadia East (Muhammadan).]

Ahmed Ali Enayetpuri, Khan Bahadur Maulana. [Jhenidah (Muhammadan).]

Ahmed Ali Mridha, Maulvi. [Goalundo (Muhammadan).]

Ahmed Hosain, Mr. [Gaibandha South (Muhammadan).]

Ahmed Khan, Mr. Syed. [Noakhali South (Muhammadan.)]

Alfazuddin Ahmed, Khan Bahadur Maulvi. [Midnapore (Muhammadan).]

Aminullah, Khan Sahib Maulvi. [Noakhali Central (Muhammadan).]

Amir Ali Mia, Maulvi Md. [Rajshahi South (Muhammadan).]

Anwarul Azim, Khan Bahadur Md. [Chittagong South (Muhammadan).]

Ashraf Ali, Mr. M. [Nator (Muhammadan).]

Asimuddin Ahmed, Mr. [Tippera Central (Muhammadan).]

Aulad Hossain Khan, Khan Bahadur Maulvi. [Manikganj East (Muhammadan).]

Azhar Ali, Maulvi. [Pabna East (Muhammadan).]

Azizul Haque, the Hon'ble Khan Bahadur M., C.I.E. [Nadia West (Muhammadan).]

B

Badrudduja, Mr. Syed. [Berhampore (Muhammadan.)]

Banerjee, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]

Banerji, Mr. P. [24-Parganas North-West (General).]

Banerjee, Mr. Pramatha Nath. [Burdwan North-West (General).]

Banerjee, Mr. Sibnath. [Howrah (Registered Factories).]

Banerji, Mr. Satya Priya. [Rajshahi (General).]

Barat Ali, Mr. Mohammad. [Serajganj Central (Muhammadan).]
Barma, Babu Premhari. [Dinajpur (General).]
Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Basu, Mr. Jatindra Nath. [Calcutta North (General).]
Basu, Mr. Santosh Kumar. [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
Biswas, Babu Lakshmi Narayan. [Nadia (General).]
Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
Bose, Mr. Sarat Chandra. [Calcutta South (General).]
Brasher, Mr. F. C. [Calcutta and Suburbs (European).]
Brown, Mr. A. O. [Calcutta and Suburbs (European).]

C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)

D

Das, Babu Radha Nath. [Hooghly North-East (General).]
Das, Mr. Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Sahib Kirit Bhusan. [Murshidabad (General).]
Das, Mr. Monomohan. [Mymensingh East (General).]
Dass, Babu Dabendra Nath. [Birbhum (General).]
Das Gupta, Mr. Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]

Das Gupta, Dr. J. M. [Calcutta Central (General).]

Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]

Datta, Mr. Dhirendra Nath. [Tippera (General).]

Dolui, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]

Dutt, Mr. Sukumar. [Hooghly South-West (General).]

Dutta Gupta, Miss Mira. [Calcutta General (Women).]

Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]

Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]

Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]

Fazlul Huq, the Hon'ble Mr. A. K. [Patuakhali North (Muhammadan).]

Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]

Fazlur Rahman, Mr. [Jamalpur East (Muhammadan).]

Fazlur Rahman, Mr. (Dacca University.)

French, Mr. F. H. (Bengal Chamber of Commerce.)

G

Ganguly, Mr. Pratul Chandra. [East Bengal Municipal (General).]

Ghose, Mr. Atul Krishna. [Jessore (General).]

Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]

Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Raipur (Muhammadan).]

Gomes, Mr. S. A. [Dacca Division (Indian Christian).]

Goswami, Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]

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Gupta, Mr. Jogesh Chandra. [Calcutta South Central (General).]

Gupta, Mr. J. N. [Railway Trade Union (Labour).]

Gurung, Mr. Damber Singh. [Darjeeling (General).]

Gyasuddin Ahmed Choudhury, Al-Hadj. [Madaripur East (Muhammadan).]

H.

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca. [Dacca Municipal (Muhammadan).]

Haddow, Mr. R. R. [Calcutta and Suburbs (European).]

Hafizuddin Choudhuri, Maulvi. [Thakurgaon (Muhammadan).]

Hamiduddin Ahmad, Khan Sahib. [Kishoreganj East (Muhammadan).]

Hamilton, Mr. K. A. (Calcutta Trades Association.)

Hasan Ali Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]

Hasanuzzaman, Maulvi Md. [Tippera South (Muhammadan).]

Hashem Ali Khan, Khan Bahadur Maulvi. [Bakarganj North (Muhammadan).]

Hasina Morshed, M.B.E., Mrs. [Calcutta (Muhammadan) Women.]

Hatemally Jamadar, Khan Sahib Maulvi. [Pirojpur South (Muhammadan).]

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Haywood, Mr. Rogers. (Bengal Chamber of Commerce.)

Hendry, Mr. David. (Bengal Chamber of Commerce.)

Hirtzel, Mr. M. A. F. (Bengal Chamber of Commerce.)

I.

Idris Ahmed Mia, Mr. [Malda South (Muhammadan).]

Ispahani, Mr. M. A. H. [Calcutta South (Muhammadan).]

J.

Jalaluddin Ahmad, Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]

Jalaluddin Hashemy, Mr. Syed. [Satkhira (Muhammadan).]

Jalan, Mr. I. D. [Calcutta West (General).]

Jasimuddin Ahmed, Khan Saheb Maulvi. [24-Parganas South (Muhammadan).]

Jonab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

Kabiruddin Khan, Khan Bahadur Maulvi. [Netrokona South (Muhammadan).]

Kazem Ali Mirza, Sahibzada Kawan Jah Syed. [Murshidabad South-West (Muhammadan).]

Kennedy, Mr. I. G. (Indian Jute Mills Association.)

Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)

Khan, Mr. Debendra Lall. [Midnapore Central (General).]

Kumar, Mr. Atul Chandra. [Malda (General).]

Kundu, Mr. Nishitha Nath. [Dinajpur (General).]

M

MacGregor, Mr. G. G. (Indian Tea Association.)

Mafizuddin Ahmed, Dr. [Bogra North (Muhammadan).]

Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

Mafizuddin Choudhury, Maulvi. [Balurghat (Muhammadan).]

Maguire, Mr. L. T. (Anglo-Indian.)

Mahatab, Maharajkumar Uday Chand. [Burdwan Central (General).]

Mahtabuddin Ahmed, Khan Bahadur Maulvi. [Dinajpur Central West (Muhammadan).]

Maiti, Mr. Nikunja Behari. [Midnapore South-East (General).]

Maitra, Mr. Surendra Mohan. [North Bengal Municipal (General).]

Maji, Mr. Adwaita Kumar. [Burdwan Central (General).]

Majumdar, Mrs. Hemaprova. [Dacca (General) Women.]

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Mandal, Mr. Amrita Lal. [Mymensingh West (General).]

Mandal, Mr. Banku Behari. [Burdwan North-West (General).]

Mandal, Mr. Birat Chandra. [Faridpur (General).]

Mandal, Mr. Jagat Chandra. [Tippera (General).]

Mandal, Mr. Jogendra Nath. [Bakarganj North-East (General).]

Mandal, Mr. Krishna Prasad. [Midnapore Central (General).]

Maniruddin Akhand, Maulvi. [Rajshahi North (Muhammadan).]

Maniruzzaman Islamabadi, Maulana Md. [Chittagong South Central (Muhammadan).]

Mazbul Hosain, Mr. [Tippera North-East (Muhammadan).]

Marindin, Mr. F. J. [Chittagong Division (European).]

Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

Miles, Mr. C. W. (Indian Tea Association.)

Millar, Mr. C. [Calcutta and Suburbs (European).]

Mohammed Ali, Khan Bahadur. [Bogra West (Muhammadan).]

Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]

Mookerjee, Dr. Syamaprasad. (Calcutta University.)

Morgan, Mr. G., C.I.E. [Presidency Division (European).]

Moslem Ali Mollah, Maulvi. [Rajshahi Central (Muhammadan).]

Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]

Muhammad Afzal, Khan Bahadur Maulvi Syed. [Pirojpur North (Muhammadan).]

Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]

Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]

Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]

Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura (Muhammadan).]

Muhammad Solaiman, Khan Sahib Maulvi. [Barrackpore Municipal (Muhammadan).]

Mukerjea, Mr. Taraknath, M.B.E. [Burdwan Landholders' Constituency.]

Mukerji, Mr. Dhirendra Narayan. (Hooghly North-East.)

Mukherjee, Mr. B. [Colliery (Coal Mines) (Labour).]

Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]

Mukherji, Dr. Sharat Chandra. [Birbhum (General).]

Mullick, the Hon'ble Mr. Mukunda Behari. [Khulna (General).]

Mullick, Mr. Pulin Behary. [Howrah (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur. [Jalpaiguri *cum* Darjeeling (Muhammadan).]

Mustagawsal Haque, Mr. Syed. [Bagerhat (Muhammadan).]

Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

N

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar, (Presidency Landholders.)

Nasarullah, Nawabzada K., Parliamentary Secretary. [Brahmanbaria South (Muhammadan).]

Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Norton, Mr. H. R. (Calcutta Trades Association.)

P

Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]

Patton, Mr. W. C. [Darjeeling (European).]

Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)

Pramanik, Mr. Tarinicharan. [Malda (General).]

R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

Raikut, the Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]

Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]

Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]

Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

Roy, Mr. Patiram. [Khulna (General).]

Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

Roy, Mr. Charu Chandra. [Mymensingh West (General).]

Roy, Mr. Dhananjoy. [Dacca East (General).]

Roy, Mr. Kamalkrishna. [Bankura East (General).]

Roy, Mr. Kiran Sankar. [Dacca West (General).]

Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]

Roy, Rai Bahadur Kshirod Chandra. (Chittagong Landholders.)

Roy, Mr. Manmatha Nath. [Howrah (General).]

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]

Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]

Sahabe Alum, Mr. Syed. [Dacca Central (Muhammadan).]

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Dr. [Chittagong North-East (Muhammadan).]

Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]

Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]

Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]

Sarker, Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)

Sassoon, Mr. R. M. (Bengal Chamber of Commerce.)

Sen, Mr. Atul Chandra. [Dacca East (General).]

Sen, Babu Nagendra Nath. [Khulna (General).]

Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]

Serajul Islam, Mr. [Bongaon (Muhammadan).]

Shahabuddin, Mr. Khwaja, C.B.E., Parliamentary Secretary. [Narayanganj South (Muhammadan).]

Shahedali, Mr. [Matlabbazar (Muhammadan).]

Shamsuddin Ahmed, Mr. [Kusthia (Muhammadan).]

Shamsuddin Ahmed Khandkar, Mr. [Gopalganj (Muhammadan).]

Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]

Singha, Babu Kshetra Nath. [Rangpur (General).]

Sinha, Srijut Manindra Bhusan. [Bankura West (General).]

Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]

Smith, Mr. H. Brabant. [Rajshahi Division (European).]

Stark, Mr. A. F. [Calcutta and Suburbs (European).]

Steven, Mr. J. W. R. [Dacca (European).]

Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]

Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan).]

Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)

Thakur, Mr. Promatha Ranjan. [Faridpur (General).]

Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]

Walker, Mr. J. R. (Bengal Chamber of Commerce.)

Walker, Mr. W. A. M. (Indian Jute Mills Association.)

Whitehead, Mr. R. B. (Indian Mining Association.)

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]

Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]

Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]

Sahabe Alum, Mr. Syed. [Dacca Central (Muhammadan).]

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Dr. [Chittagong North-East (Muhammadan).]

Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]

Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]

Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]

Sarker, Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)

Sassoon, Mr. R. M. (Bengal Chamber of Commerce.)

Sen, Mr. Atul Chandra. [Dacca East (General).]

Sen, Babu Nagendra Nath. [Khulna (General).]

Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]

Sen Gupta, Mrs. Nellie. [Chittagong (General).]

Serajul Islam, Mr. [Bongaon (Muhammadan).]

Shahabuddin, Mr. Khwaja, C.B.E., Parliamentary Secretary. [Narayanganj South (Muhammadan).]

Shahedali, Mr. [Matlabbazar (Muhammadan).]

Shamsuddin Ahmed, Mr. M. [Kusthia (Muhammadan).]

Shamsuddin Ahmed Khandkar, Mr. [Gopalganj (Muhammadan).]

Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]

Singha, Babu Kshetra Nath. [Rangpur (General).]

Sinha, Srijut Manindra Bhusan. [Bankura West (General).]

Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]

Smith, Mr. H. Brabant. [Rajshahi Division (European).]

Steven, Mr. J. W. R. [Dacca (European).]

Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]

Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan).]

Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)

Thakur, Mr. Promatha Ranjan. [Faridpur (General).]

Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]

Walker, Mr. J. R. (Bengal Chamber of Commerce.)

Walker, Mr. W. A. M. (Indian Jute Mills Association.)

Whitehead, Mr. R. B. (Indian Mining Association.)

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]

Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Eighth Session.)

Volume LVII—No. 1.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 15th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.) in the Chair, 9 Hon'ble Ministers and 214 members.

Oath or Affirmation of Allegiance.

The following members took their oath or affirmation of allegiance to the Crown:—

(1) Mrs. Nellie Sen Gupta (elected by the Chittagong General Constituency).

(2) Mr. Tarak Nath Mukharji (elected by the Burdwan Landholders' Constituency).

(3) Mr. F. C. Brasher (elected by the Calcutta and Suburbs European Constituency).

(4) Mr. R. R. Haddow (elected by the Calcutta and Suburbs European Constituency).

(5) Mr. Robert Scotson (elected by the Burdwan Division European Constituency).

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of Rule 6 of the Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session:—

(1) Mr. Sarat Chandra Bose.

(2) Mr. W. A. M. Walker.

(3) Mr. Abdur Rahman Siddiqi.

(4) Mr. Anukul Chandra Das.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

STARRED QUESTIONS

(to which oral answers were given)

Use of the expression "Gay Lothario of Brindaban" against Sreekrishna.

*1. **Mr. ATUL CHANDRA SEN:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that there appeared in the *Star of India* of the 30th May, 1940, an article which characterised Sreekrishna, the god of the Hindus, as "Gay Lothario of Brindaban";

(*ii*) that there exists a feeling amongst the Hindus over this attack on the Hindus' god and their religious susceptibilities; and

(*iii*) that protests by the Hindu public have been made from all parts of the Province?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action the Government have taken or they propose to take against the paper for the article concerned?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) I am aware that such a feeling existed at the time of the publication of the article.

(*iii*) I am aware that protests were made at one meeting in Calcutta.

(b) An order has been passed under Defence of India Rule 41(1)(a) to the effect that all editorials shall be subject to precensorship for a period of 3 months.

*2. **Babu NAGENDRA NATH SEN:** (a) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the article in the *Star of India* wherein Lord Sreekrishna has been described as the "Gay Lothario of Brindaban"?

(b) If so, is the Hon'ble Minister aware that there exists a feeling amongst the Hindus over this matter in the country?

(c) Has his attention been drawn to the proceedings of the public meeting of the Hindu citizens of Calcutta on the 8th June, 1940, under the presidency of Mahamahopadhyaya Pramatha Nath Tarkabhusan?

(d) Has any action been taken or is proposed to be taken against the Editor, Printer, Publisher or the proprietors of the paper?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) I am aware that such a feeling existed at the time of the publication of the article.

(c) and (d) Yes.

Srijut NARENDRA NATH DAS GUPTA: In view of the fact that this paper has outraged Hindu feelings so grossly, do not the Government think it proper to take more rigorous steps against it?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may draw the attention of the honourable member to the fact that the paper has made an unqualified apology and the action taken is, in the opinion of the Government, more than adequate.

Scheduled Caste hostel for the Pirojpur Government School.

*3. **Srijut NARENDRA NATH DAS GUPTA:** (a) Is the Hon'ble Minister in charge of the Education Department aware—

(i) that a small thatched cottage has been selected by the school authorities for the boarding house of the Namasudra students of the Pirojpur Government School;

(ii) that it can accommodate only a few students;

(iii) that the house is in a dilapidated condition; and

(iv) that the house has been packed with students?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Not exactly. The hostel is a *kutcha* house with *pucca* floor. It is 62 feet in length and 13½ feet in breadth and consists of 4 rooms.

(*ii*) No. The hostel provides accommodation for 12 boarders and is not filled in any year. This year the number has risen to 14, but it is not yet certain whether the number will be steady.

(*iii*) No. The house has recently been repaired and is borne on the books of the Communications and Works Department.

(*iv*) The member is referred to the reply to clause (*a*) (*ii*).

(*b*) The question of providing a *pucca* hostel for Namasudras with accommodation for at least 20 boarders is under consideration.

Srijut NARENDRA NATH DAS GUPTA: With reference to question (*a*)(*iii*), the Hon'ble Minister has replied, "No." But at the same time he admits that the house has recently been repaired. If it had not been in a dilapidated condition, how does the question of repairs arise?

Mr. SPEAKER: The question does not arise.

Recruitment of District Inspectors of Schools.

***4. Mr. MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that—

(*i*) Subdivisional Inspector of Schools; and

(*ii*) the District Inspector of Schools,

are generally recruited respectively from amongst the old and experienced—

(1) Sub-Inspectors of Schools, and

(2) Subdivisional Inspectors of Schools?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that many outsiders from the teaching branch without the knowledge of inspection, have been recruited to the post of District Inspector of Schools in disregard of the claim of the experienced and old Subdivisional Inspectors of Schools?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the total number of District Inspectors of Schools of the Province;

(ii) how many of them are from—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims?

(iii) the total number of vacancies for the post of District Inspectors of Schools which occurred during the last three years; and

(iv) the number filled up by—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims.

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) It is not a fact, but officers of the teaching branch (Head Masters, Assistant Head Masters, Professors and Lecturers) specially recommended by controlling officers are considered for District Inspectorships along with Subdivisional and Sub-Inspectors of Schools.

(c)(i) 27.

(ii) (1) Caste Hindus 8, (2) Scheduled Castes nil, and (3) Muslims 19.

(iii) 12.

(iv) (1) Caste Hindus 4, (2) Scheduled Castes nil, and (3) Muslims 8.

Communal ratio of appointments under the Co-operative Credit and Rural Indebtedness Department.

*5. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing from the 1st April, 1937, to the 31st January, 1940—

(i) the number of vacancies that occurred in the departments under his charge except menials; and

(ii) the number that have been filled up by—

(a) Muslims,

(b) Scheduled Castes, and

(c) other castes?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): A statement is laid on the table.

Statement referred to in the reply to starred question No. 5, showing the number of vacancies that occurred in Co-operative Credit and Rural Indebtedness Department and the number of persons from each Community appointed against these vacancies during the period from 1st April, 1937, to 31st January, 1940.

(*i*) Number of vacancies	..	232
(*ii*) Number of appointments—		
(*a*) Muslims	..	105
(*b*) Scheduled Castes	..	36
(*c*) Other castes	..	87

Stipends and educational grants for Scheduled Castes in Midnapore.

*6. **Mr. KRISHNA PRASAD MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether any amount has been paid as stipends to the Scheduled Caste students in the Midnapore district from the year 1937 to January, 1940; and

(*ii*) whether any amount has up till now been paid as grant-in-aid or otherwise to any primary school chiefly attended to by Scheduled Caste students in the said district?

(*b*) Do the Government contemplate opening institutions in the areas in the said district predominated by the Scheduled Castes?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) Yes, when the Primary Education Act of 1930 is in operation in the district.

Drawal of a cheque on the Lloyds Bank, Limited, by one Binoy Krishna Chatak in favour of one Babu Nirendra Nath Bose.

*7. **Srijut ASHUTOSH MULLICK:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that a cheque for Rs. 100, dated the 25th February, 1936, on Lloyds Bank, Limited, Chowringhee Branch (current account), was drawn by one Binoy Krishna Ghatak, prosecution witness in the Bankura Central Co-operative Bank fraud case, in favour of one Nirendra Nath Bose;

(ii) that the said cheque was exhibited by the defence at the trial in the lower court;

(iii) that the payee of the cheque bears the same name as the then Superintendent, Co-operative Milk Societies;

(iv) that during the period January-March, 1936, the same B. K. Ghatak drew two other different cheques on the same account in favour of the same person under the name and style of N. Bose; and

(v) that those cheques had also been exhibited at the same trial?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the said Superintendent, Co-operative Milk Societies, had received any of the cheques?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) (i), (ii), (iv) and (v) No.

(iii) I am not aware.

(b) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether any of these documents was or was not produced before the Court in connection with the case referred to?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We have examined the judgments of the original court and the appellate court, but no mention of these documents has been found there.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if apart from the judgment an attempt was made to look into the exhibits?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether his answer related to the existence of these documents or the knowledge of the Government relating to these documents?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The question itself is clear, regarding the existence of the document.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government's information is that these documents never existed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is what we gather from the judgment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the event of the exhibits placed before the Court showing that these documents were produced before the Court, Government will be prepared to revise their judgment?

Mr. SPEAKER: If the documents are found the opinion must necessarily change.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister consider the desirability of seeing the exhibits also?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We can make an attempt, but I am not sure of it.

Mr. SATYA PRIYA BANERJI: May I ask what is the basis of the answer that he has given to this question (*a*) (*i*), (*ii*), (*iv*), and (*v*), namely "No"?

Mr. SPEAKER: He has already answered that question.

Mr. SATYA PRIYA BANERJI: May I say, Sir, that if he really wanted to know anything about these things? I as a humble member of this Legislature have managed to get a certified copy of the evidence of B. K. Ghatak referred to in the question?

Mr. SPEAKER: I am afraid you cannot raise this question here.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if an attempt was made to examine the evidence of B. K. Ghatak in this case which is referred to in the question itself?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, besides what I have already stated, I have nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state the reasons for not examining the document or documents which could give Government the information, and not beat about the bush?

Mr. SPEAKER: Well, there is no mention of this in the question itself.

Dr. NALINAKSHA SANYAL: Yes, Sir, there is mention of this thing. I have already asked whether Government would consider it desirable to look into the exhibits and the evidence, to which the Hon'ble Minister has simply replied that he will try, but he is not sure of the result; that is to say, he has not given us any assurance. Then I followed it up with another question, namely, as to why Government had not in the past looked into the proper materials which might give Government evidence, namely, the evidence of B. K. Ghatak referred to in the question (*a*)(*i*), and not simply beat about the bush and try to suppress information?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I may reply, Sir, that there was nothing of any importance in the judgment, but, if the honourable member desires I shall look into the matter.

Action taken by Government on certain complaints relating to certain deposit money at the Bengal Co-operative Officers Credit Bank, Limited.

*8. **Srijut ASHUTOSH MULLICK:** (*a*) With reference to the reply given to unstarred question No. 259 on the 26th June, 1939, will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the enquiry has been finished?

(*b*) If so, with what result?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) The officer concerned has been punished.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state with reference to answer (*a*) as to what has been the finding of the enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The clerk admitted the charge and on that admission he has been removed from service.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state when the enquiry was started and when the admission was obtained and when the punishment was meted out?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the answer mentioned in part (*a*) of this

question, when I stated that on receipt of a petition made to the Joint Secretary, the enquiry was taken up and the decision was reached thereon some time back.

Dr. NALINAKSHA SANYAL: I wanted dates when the various things took place. May I have them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what punishment has been given to the officer concerned?

Mr. SPEAKER: He has already answered that question.

Opening of a sub-agency at Tangail by the India General Navigation and Rivers Steam Navigation Companies.

*9. **Babu AMRITA LAL MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that Tangail subdivision imports large quantity of goods through steamer service;

(*ii*) that the communication of Tangail from steamer station is not good;

(*iii*) that the India General Navigation and Rivers Steam Navigation Companies wanted to start an Out-Agency at Tangail; and

(*iv*) that the Steamer Companies have not as yet started any Out-Agency at Tangail?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of urging upon the India General Navigation and Rivers Steam Navigation Companies for starting an Out-Agency at Tangail at an early date?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*iv*) Yes. The Joint Steamer Companies propose to open a sub-agency at Tangail and are making necessary survey for the purpose but as there are some difficulties it will take some time before final arrangement is made.

(*b*) Does not arise.

Ejectment of tenants of shops and other business premises in Calcutta.

*10. **Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing, ward by ward, for the years 1937-38 and 1938-39—

(*i*) the number of suits within the city of Calcutta instituted for ejectment of tenants of shops and other business premises; and

(*ii*) the result of such suits?

(*b*) Does the Hon'ble Minister contemplate an enquiry to ascertain—

(*i*) the rate of rent before ejectment and the subsequent rent after ejectment in cases referred to in (*a*) in the different wards of Calcutta; and

(*ii*) the reasons for which the ejectment suits were instituted?

(*c*) Do the Government contemplate stopping ejectment of the tenants of Calcutta by legislation?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) 502 in 1937-38 and 496 in 1938-39; no separate figures for shops and business premises or ward by ward are available.

		Decreed.	Dismissed.	Compromised.	Pending.
(*ii*) 1937-38	..	383	41	78	Nil
1938-39	..	377	30	69	20

(*b*) and (*c*) No.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware that as long as the Calcutta Rent Act was in force the landlords could not eject their tenants by giving 15 days' notice?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I venture to submit that that question does not arise.

Mr. ATUL KRISHNA GHOSE: Sir, I too venture to submit that it is not Sir Bijoy Prasad Singh Roy's business to submit that a certain question does not arise.

Mr. SPEAKER: I am afraid, I am also of the same opinion as regards your question.

Mr. ATUL KRISHNA GHOSE: All right, Sir, but let it come from the Chair. My question (*b*) and (*c*) is whether there was any proposal for legislation to prevent ejectment in certain cases and the answer of the Hon'ble Minister was "No" and in that connection I put the above supplementary question, that is to say, whether the Hon'ble Minister is aware of the fact that as long as the Calcutta Rent Act was in force the landlords could not eject their tenants by giving 15 days' notice?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*b*) and (*c*) are we to understand that all the ejectment suits are instituted without any reason whatsoever?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not, Sir. There must be some reason.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state what is that reason?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are not aware of the reasons nor do they consider it necessary to enquire into those reasons.

Mr. ATUL KRISHNA GHOSE: Will Government please consider the fact that it involves a heavy loss to the business people to vacate their premises on receipt of only 15 days' notice and in these circumstances will the Government be pleased to consider that some provision should be made that at least 12 calendar months' notice will have to be given to a tenant before he can be ejected?

Mr. SPEAKER: That question does not arise.

Saraswati Puja processions at Faridpur.

***11. Srijut NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that on the 14th February, 1940, some Saraswati Puja processions were led through some thoroughfares at Faridpur after taking police licences;

(ii) that the processionists were peaceful and conformed strictly to all the provisions of the licences;

(iii) that the Rajendra College procession which was in front of other processions was attacked by a gang of Muslim hooligans who tried to break the image;

(iv) that they injured many in the processions including the Vice-Principal of the College; and

(v) that when the procession was over, another gang of Muslims attacked the Rajendra College Hindu hostel injuring some students therein?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) what steps the Government have taken in bringing the culprits to book; and

(ii) how many of them have been arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) Yes.

(ii) to (v) No.

(b) Does not arise.

Srijut NARENDRA NATH DAS GUPTA: The Hon'ble Minister's reply to question 11(a)(ii) to (a)(v) is "No," namely, to my question whether the processionists were peaceful his reply is "No." Will he now let us know in what respect the processionists broke the provisions of the licence and also failed to maintain peace?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, before I go into the details of this question, I would like to know whether the honourable member is personally aware of the fact or he is merely asking a question from newspaper reports.

Srijut NARENDRA NATH DAS GUPTA: Sir, I can assure the Hon'ble Minister that I am aware of the facts myself and I shall request him not to establish his case from the reports which he most probably received from his subordinate officers which is not always true, but from other sources. But so far as I am concerned I am in possession of the true facts and can assure him that the processionists were peaceful and conformed to all the provisions of the licence under the circumstances. What is the source of the Hon'ble Minister's information to say that they did not so conform?

(No reply.)

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state with reference to answer (*a*)(*iv*) whether a reference was made to the Vice-Principal of the college, who is alleged to have been assaulted by the hooligans?

The Hon'ble Khwaja Sir NAZIMUDDIN: Where is it mentioned? This alleged assault upon the Vice-Principal?

Mr. ATUL CHANDRA SEN: This is mentioned in question (*a*)(*iv*).

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I do not know if the District Magistrate actually asked the Vice-Principal of the College, but I do not think that any complaints were made before the authorities about any assault on the Vice-Principal.

Mr. ATUL CHANDRA SEN: My question is this. After the notice of this question was received, was any reference made to the Vice-Principal?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state if it is not a fact that the processionists passed by the road adjacent to the court mosque, the most important mosque of the town, and that no procession with music did pass over the road ever before?

Mr. SPEAKER: That question does not arise.

Muslim procession without any Tazia at Faridpur town.

***12. Srijut NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that on the 19th February, 1940, a Muslim procession was led through the Faridpur town, without any *tazia*;

(*ii*) that the local Hindus came to know of the movements of Muslims;

(*iii*) that the District Magistrate was approached by local Hindu leaders for the safety of their property, persons and temples;

(*iv*) that the Magistrate assured the Hindus of the protection and requested the Hindus not to come out during the procession;

(*v*) that the District Magistrate and the Superintendent of Police were at the head of the procession accompanied by a batch of constables;

(vi) that many Hindu houses on either side of the route were pelted with stones, including the house of Dr. Shishir Kumar Sen and the two *Kali baris*;

(vii) that some constables were posted at the *Kali baris*;

(viii) that one of them (No. 795) on duty got injuries; and

(ix) that the Registration Office and Municipal Barracks in the Court compound were also pelted causing injury to many persons including Babu Herambo Kumar Bhattacharjee, a pleader and a Registration Office clerk, who received bleeding injuries?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken to punish the culprits and make good the loss sustained by the Hindus?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) Yes. A Muslim procession was taken out on that date. It had *tazias* though they were left behind on the way.

(ii) It is evident that they knew.

(iii), (v) and (vii) Yes.

(iv) The deputation was assured that all possible steps would be taken to preserve law and order. They were requested to assist in seeing that no incident took place between the processionists and Hindus of the town.

(vi) Complaints to this effect were received.

(viii) One constable was struck by a piece of brick.

(ix) Bricks were thrown at both places mentioned and both the pleader referred and Registration Office clerk reported to the police that they had bleeding injuries.

(b) As none of the injured persons could establish the identity of the culprits no criminal action was possible against anybody.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state how is it that in spite of the fact that the District Magistrate and the Police assured the deputation of protection of life and property, all along the route the riots continued and nobody was arrested on the spot by the police, who are the guardians of peace?

The Hon'ble Khwaja Sir NAZIMUDDIN: There were no riots all along the route of the procession. In certain places there was an exchange of brickbats, but it was not possible to arrest anybody.

Recommendations of the Revenue Commission.

*13. **Maulvi MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that a Special Officer has been appointed to examine the recommendations of the Revenue Commission?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the scope and the precise nature of such examination?

(*c*) When the report is likely to be submitted by the Special Officer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The examination is intended to bring out the full implications—financial, economic, legal and administrative—involved in the different recommendations of the Commission so that Government may be in a position to decide which of the recommendations may be accepted and in what manner and to what extent they may be given effect to.

(*c*) The Special Officer has already submitted some instalments of his Report and it is hoped that the complete Report will be in the hands of Government before the close of the year.

Maulvi MD. ISRAIL: Will the Hon'ble Minister be pleased to state the specific nature of the instalments of the report that have been submitted by the Special Officer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult for me to give a reply to this question offhand. It is a voluminous report, and I cannot summarize it here without reference to the papers.

Abolition of Local Boards from Khulna district.

*14. **Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the District Board of Khulna has proposed the abolition of all the Local Boards of the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the decision of the District Board has been approved by Government?

(c) Is it a fact—

(i) that the members of the said district board will be elected directly; and

(ii) that the whole district will be divided into a number of constituencies?

(d) If the answer to (c) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the number of the proposed constituencies; and

(ii) the basis on which those constituencies are likely to be formed?

The Hon'ble Mr. TAMIZUDDIN KHAN (on behalf of the Minister in charge of Local Self-Government Department, the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) to (c) Yes.

(d) (i) The number of constituencies has not yet been fixed.

(ii) Under Rule 2, Part I, of the Rules for Direct Election to District Boards, the constituencies are delimited by Government generally on the principles laid down in Government Circulars Nos. 2133-37-L.S.-G., dated the 12th August, 1938, and 57(5)-L.S.-G., dated the 19th January, 1939, copies of which are laid on the Library table.

Chairman of Jessore District Board.

*15. **Mr. SERAJUL ISLAM:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when the term of office of the present Chairman of the District Board of Jessore will expire?

(b) Will the Hon'ble Minister be pleased to state whether the Government contemplate his reappointment by nomination or ordering for a fresh election of the Chairman by the members of the Board?

The Hon'ble Mr. TAMIZUDDIN KHAN (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) and (b) The term of office of the present Chairman expired on the 2nd July, 1940; but he has been reappointed for a further term of one year with effect from the 3rd July, 1940, under section 29A (2) of the Local Self-Government Act.

Dr. NALINAKSHA SANYAL: With reference to the appointment mentioned in answer (a) and (b) combined, will the Hon'ble Minister be pleased to state the reason for not allowing the District Board of Jessore permission to elect their own Chairman as provided under section 29, sub-section 2 of the Local Self-Government Act under the circumstances contemplated therein?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government considered that the circumstances under which it was necessary to appoint a Chairman in the first instance had not changed and therefore the re-appointment of the Chairman was considered necessary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what were the circumstances in the first instance when Government appointed the Chairman and did not allow election which at the present moment continues?

Mr. SPEAKER: You may ask the first part of your question first.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister says that the same circumstances are continuing. I am just enquiring what are those circumstances that are in the opinion of Government continuing?

The Hon'ble Mr. TAMIZUDDIN KHAN: The honourable member knows probably the circumstances very well. A resolution was passed by the district board asking for the removal of the then Chairman and in accordance with that resolution, the then Chairman was removed, and a new Chairman was appointed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the circumstances.—I don't want to embarrass this particular Hon'ble Minister if he feels that he is not in possession of the entire facts. In that case I am prepared to hold this question over.

Mr. SPEAKER: Dr. Sanyal wants to know why after the removal of the old Chairman, the Board was not given the right to elect its own Chairman. That is the only point.

Dr. NALINAKSHA SANYAL: The facts stated by the Hon'ble Minister are all right so far as the first Chairman was concerned. There might have been a resolution requesting Government to intervene, but since then is it the opinion of the Government that the present Board also continues to make that request for the appointment of a Chairman, or the present Board desires to exercise its right to elect its own Chairman?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the same Board is continuing.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the Government appointed Maulvi Latifur Rahman as

Chairman in July, 1939, and to-day also the very same gentleman has been reappointed for another term of one year? Since the same gentleman has been continuing as Chairman, is it the opinion of Government that the same circumstances are continuing?

Mr. SPEAKER: That question does not arise

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state for what length of term this reappointment is going to be retained by Government?

Mr. SPEAKER: He has already said for one year.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of giving the district board a chance to elect their own Chairman after the expiry of this one year?

The Hon'ble Mr. TAMIZUDDIN KHAN: That question will be duly considered.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that Maulvi Latifur Rahman himself sought election?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the Government are prepared to dissolve the present Board and have a new election so that they may elect their own Chairman?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Agricultural loan for Burdwan district.

*16. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Government have sanctioned any amount for—

(1) agricultural loan, and

(2) gratuitous relief for the district of Burdwan this year?

(*b*) If so, what is the sanctioned amount for each of them?

(c) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state whether the Government contemplate the grant of such loan for helping the cultivators of the district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) Agricultural loan Rs. 1,000 and gratuitous fire relief Rs. 100.

(c) Does not arise.

Special grant for Scheduled Caste education.

*17. **Mr. KSHETRA NATH SINGHA:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) what amount has been allotted as a special grant for Scheduled Caste education for the year 1940-41; and

(ii) whether the Rs. 5 lakhs already granted have been exhausted?

(b) If the answer to (a) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether a further sum will be allotted for the purpose;

(ii) from what fund the cost of special department for Scheduled Caste education is being met;

(iii) whether the cost of the department including the salary of the Special Officer is a recurring one;

(iv) whether Government contemplate continuing the office and meeting the cost from the general head under education;

(v) whether the cost including the salary of the Special Officer for Muslim education is a recurring one; and

(vi) whether it is met from the general head under education?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) (i) There is no fresh special grant for 1940-41.

(ii) No.

(b) (i) Does not arise.

(ii) Out of Rs. 5 lakhs.

(iii) No.

(iv) No definite decision has been arrived at as yet.

(v) and (vi) Yes.

Babu KSHETRA NATH SINGHA: In respect of answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state whether Government are aware that if the recommendations of the Scheduled Castes Education Committee are given effect to, the whole amount allotted for the purpose will be exhausted?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not in a position to answer that question, but my impression is that if all the recommendations of the committee are given effect to, that amount will not be sufficient.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether Government propose to make the Scheduled Castes Education Committee permanent?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are various questions that arise for consideration in this connection, and I would like to have notice.

Babu JAGAT CHANDRA MANDAL: Is the Hon'ble Minister aware that the sum of five lakhs has already been spent?

The Hon'ble Mr. A. K. FAZLUL HUQ: It has not been exhausted.

Grants-in-aid to educational institutions in Jessore.

*18. **Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the present number of—

(*i*) Junior Madrassahs,

(*ii*) Senior Madrassahs,

(*iii*) High English Schools, and

(*iv*) Middle English Schools

in the district of Jessore?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names;

(*ii*) amount of monthly grants; and

(*iii*) number of students on the roll on the 30th September, 1939, of each of those institutions which receive grants from—

(1) the District Board of Jessore, and

(2) the Government of Bengal?

(c) How many of those institutions are managed by committee consisting mainly of—

(i) Muslims; and

(ii) Scheduled Castes.

The Hon'ble Mr. A. K. FAZLUL HUQ: (a)—

(i) 21.

(ii) 2.

(iii) 53.

(iv) 65.

(b) and (c) Statements giving the information are laid on the table.

Statement A referred to in the reply to clauses (b) and (c) of starred question No. 18 showing institutions enjoying District Board grants-in-aid only with particulars of roll strength, amount of grant and Committee of management.

JESSORE DISTRICT.

Name of institution.	Amount of District Board grants.	Roll strength.	Managing Committee consisting mainly of Muslims and Scheduled Castes.
Middle English Schools.	Rs.		
1. Basgram ..	25	85	
2. Arpara ..	30	70	
3. Amtoil* ..	50	83	Muslims.
4. Andha ..	20	124	Scheduled Castes.
5. Bhaturia ..	25	82	
6. Bajitpur ..	25	77	
7. Baruihati Kasta ..	30	90	
8. Bodhkhana ..	25	61	
9. Bordia ..	35	85	
10. Burich Noapara* ..	25	64	Muslims.
11. Benapole ..	40	65	
12. Baganchra ..	20	107	
13. Chachuria Parulia ..	25	93	
14. Chougachi* ..	40	66	Muslims.
15. Churargati ..	35	82	Scheduled Castes.
16. Chougachi ..	30	120	
17. Damokhali ..	40	121	Scheduled Castes.
18. Golia ..	40	92	Ditto.

	Name of institution.	Amount of District Board grants.	Roll strength.	Managing Committee consisting mainly of Muslims and Scheduled Castes.
	Middle English Schools.	Rs.		
19.	Garapota ..	30	51	
20.	Gourighona ..	25	82	
21.	Gaighata* ..	25	76	Muslims.
22.	Hatchla Siktagram ..	25	97	
23.	Jogania Nolamara* ..	30	138	Muslims.
24.	Katakhali ..	30	98	Scheduled Castes.
25.	Keshabpur ..	45	97	
26.	Khalishpur ..	40	55	
27.	Khamarparokhali ..	35	102	Scheduled Castes.
28.	Kalna Kamthana ..	25	106	
29.	Madla ..	30	79	
30.	Muhammadpur ..	35	75	
31.	Monoharpur* ..	35	101	Muslims.
32.	Maliat ..	40	94	Scheduled Castes.
33.	Mallikpur ..	40	75	
34.	Maijpara ..	35	107	
35.	Nabharan* ..	45	95	Muslims.
36.	Nagirhat ..	25	67	
37.	Narkelberia ..	30	96	
38.	Noapara Sankerpasha	25	124	
39.	Peroli* ..	30	73	Muslims.
40.	Palla* ..	30	92	Ditto.
41.	Rajganj ..	40	105	
42.	Rautara ..	30	82	
43.	Shahbazpur ..	40	105	
44.	Sankdah ..	30	115	
45.	Shadhuhati ..	25	97	
46.	Satberia ..	30	60	
47.	Sreedharpur ..	25	65	
48.	Sheikhahti ..	20	72	
49.	Sreekole ..	25	84	
50.	Sikhpukuria ..	25	50	
51.	Subalkathi ..	40	144	
52.	Towra ..	25	93	
53.	Tribeni ..	25	71	
54.	Bamanhat ..	30	102	Scheduled Castes.
55.	Hatbarobazar* ..	25	148	Muslims.
56.	Mulia ..	30	74	Scheduled Castes.

*Institutions marked with asterisks are Muslim-managed.
Ditto are managed by Scheduled Castes.

Statement A referred to in the reply to clauses (b) and (c) of starred question No. 18.

Name of institution.	Amount of District Board grant.	Roll strength.	Remarks.
Junior Madrassah.	Rs.		
1. Baoishona ..	40	99	
2. Nohatta ..	60	81	

Statement B referred to in the reply to clauses (b) and (c) of starred question No. 18, showing institutions in receipt of grant-in-aid from Government with particulars of roll strength, amount of grant and Committee of Management.

Name of institutions.	Government monthly grant.	Roll strength.	Managing Committee consisting mainly of Muslims and Scheduled Castes.
High English Schools.	Rs.		
1. Baghutia Bivagdi ..	100	164	
2. Benodepur ..	135	170	
3. Benipur ..	125	165	
4. Bongaon ..	135	430	
5. Basundia ..	190	190	
6. Jhenida ..	150	215	
7. Gangarampur ..	100	184	
8. Kotechandpur ..	140	183	
9. Magura ..	160	306	
10. Masiahati ..	100	194	Scheduled Castes.
11. Narail Victoria ..	150	182	
12. Narail Subdivisional ..	135	215	
13. Parbati Vidyapith ..	150	192	
14. Sailkupa ..	100	157	
15. Sripur M. C. ..	135	189	
16. Kalia ..	110	250	
17. Joradah ..	110	191	
18. Kalabaria ..	110	144	Muslims.
19. Jhikargacha ..	100	205	Do.
20. Kamargram Kanchan	125	154	Do.
High Madrassahs.	Rs.		
1. Magura ..	60	191	Muslims.
2. Jhikargacha ..	50	186	Do.

Name of institution.	Government monthly grant.	Roll strength.	Managing Committee consisting mainly of Muslims and Scheduled Castes.
Junior Madrassahs.	Rs.		
1. Basundia ..	40	182	Muslims.
2. Baitchitala ..	50	114	Do.
3. Durmutia ..	40	86	Do.
4. Jhenidah ..	70	121	Do.
Junior Madrassahs.	Rs.		
5. Khaitala ..	50	91	Muslims.
6. Kashipur ..	50	102	Do.
7. Maulanabad ..	50	117	Do.
8. Parbatipur ..	70	116	Do.
9. Raghunathnagar ..	75	120	Do.
10. Chachi Dhonai ..	35	111	Do.
11. Lahuria ..	35	136	Do.
12. Alukdia ..	30	104	Do.
13. Garaganj ..	30	99	Do.
14. Joypur ..	30	97	Do.
15. Bongaon ..	30	102	Do.
16. Durgapur ..	30	86	Do.
17. Hat Fazilpur ..	30	144	Do.
18. Nakashi ..	30	75	Do.
19. Nahatta ..	30	77	Do.
20. Baighana ..	30	106	Do.
21. Goalbathan ..	30	108	Do.

Statement B referred to in the reply to clauses (b) and (c) of starred question No. 18.

Name of Institution.	Monthly Government grant.	Roll strength.	Managing Committee consisting mainly of Muslims and Scheduled Castes.
Middle English Schools.	Rs. A.		
1. Belboyna ..	30 0	78	
2. Ganganandapur ..	30 8	148	
3. Khajura Kantaltola ..	30 0	101	
4. Kharsuti C. K. ..	54 0	113	
5. Sailkupa ..	30 0	130	
6. Harinakundu ..	30 0	101	
7. Narayanpur Baharam-uddin ..	30 0	122	
8. Bhowanipur ..	30 0	100	
9. Hajipur ..	30 0	129	Muslims.
10. Habokhali ..	30 0	103	

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Charity of public wakfs in Pabna.

1. **Mr. ABDUR RASCHID MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the present time—

(*i*) the number of public *wakfs* in the district of Pabna;

(*ii*) the percentage of the net income payable by each of the said public *wakfs* towards public charitable purposes;

(*iii*) the total amount available at present from these *wakfs* for public charitable purposes; and

(*iv*) the amount available at present specially for educational purposes according to the—

(1) terms of the *wakf* deeds, and

(2) the decision of the Wakf Commissioner under section 28 of the Bengal Wakf Act, 1934?

(*b*) Will the Hon'ble Minister be pleased to state whether the amounts available on the heads referred to in (*a*) (*iv*) have actually been spent?

(*c*) If so, how has it been spent?

(*d*) If the amounts referred to in (*a*) (*iv*) have not been actually spent, what are the reasons?

(*e*) What steps do the Government propose to take to ensure the use of charity allotments of the public *wakfs* in terms of the deeds?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) In the district of Pabna 31 estates have been enrolled as public *wakfs*.

(*ii*) to (*iv*) The collection of information under these heads will entail labour and expense not commensurate with the value of the information.

(*b*) to (*e*) Audit in the cases of these estates has not been completed and the information required is not yet available.

Sarta Bridge over the Halda river, Chittagong.

2. **Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he has received a revised rough estimate and survey report for the Sarta Bridge over the river Halda on the Chittagong-Hathazari-Magachari Road in the district of Chittagong?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) when the Government intend to commence the work of actual construction of the said bridge, and

(*ii*) how long the proposal for the construction of the bridge has been under the consideration of the Government?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) No.

(*b*) Does not arise. The proposal will be considered when Government receive the revised plans and estimate.

Demonstrator of Physics, Islamia College, Calcutta.

3. **Khan Bahadur Maulvi AULAD HOSSAIN KHAN:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) what is the qualification of the Demonstrator of Physics, Islamia College, who has been recently appointed;

(*b*) what did he do before he joined this post;

(*c*) is it a fact that he is a non-Bengalee;

(*d*) how many candidates were given interviews for the said post showing separately qualifications of each; and

(*e*) what is the reason of taking a non-Bengalee in preference to suitable Bengalee candidates?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The member probably refers to the post of Laboratory Assistant in Physics at the Islamia College, Calcutta. The vacancy has been advertised. Pending permanent arrangement a B.Sc. candidate who was an ex-student of the College, has been appointed to act.

(*b*) Temporary teacher in a school.

(*c*) Yes.

(*d*) Three. A statement showing the names and qualifications of the candidates is laid on the table.

(*e*) The appointment was a temporary one and was not expected to last for more than two or three weeks. The candidate appointed was considered the most suitable.

A statement referred to in the reply to clause (d) of unstarred question No. 3 showing names and qualifications of candidates who were interviewed for the post of the Laboratory Assistant in Physics, Islamia College, Calcutta.

Name.	Qualifications.
1. Maulvi Aftabuddin Ahmed ..	B.Sc. Physics—Hons. I. M.Sc. Physics II.
2. Maulvi Raziuddin Ahmed ..	B.Sc. Physics—Hons. II. M.Sc. Physics II.
3. Maulvi Mahmud Emran ..	B.Sc. Distinction. M.Sc. Physics II.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reason for choosing a non-Bengali B.Sc. candidate for the post of laboratory assistant in Physics in preference to Bengali Muhammadan M.Sc.s who were given interviews?

The Hon'ble Mr. A. K. FAZLUL HUQ: Is that a supplementary question to No. 3?

Dr. NALINAKSHA SANYAL: Yes. No. 3 relates to Demonstrator of Physics, Islamia College, Calcutta. In answer (*c*) it is stated "Yes," and in answer (*a*) it has been stated that a B.Sc. candidate has been appointed; and in the statement appended we find that there were several Bengali Muhammadan M.Sc.s who were given interviews. So I ask the reason why a non-Bengali Muhammadan B.Sc. has been appointed in preference to Bengali Muhammadan M.Sc.s?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think that the honourable member's statement of fact is true.

Dr. NALINAKSHA SANYAL: But the statement is there. Are you withdrawing it?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, I am not withdrawing it, but the honourable member is arguing from certain hypotheses.

Mr. SPEAKER: No, no. May I draw the Hon'ble Minister's attention to question (*c*), namely "Is it a fact that he is a non-Bengalee," and the answer is "Yes"?

The Hon'ble Mr. A. K. FAZLUL HUQ: But where is the other factor that there were Bengalee candidates with first class honours?

Dr. NALINAKSHA SANYAL: There is this list down below which contains the names of Maulvi Aftabuddin Ahmed, M.Sc., Physics II, Maulvi Raziuddin Ahmed, M.Sc., Physics II, and Maulvi Mahmud Emran, M.Sc., Physics II.

The Hon'ble Mr. A. K. FAZLUL HUQ: As to that the reason was that this gentleman was preferred for a temporary appointment because he was an ex-student of that college.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some of the other candidates not interviewed were also ex-students of the college?

The Hon'ble Mr. A. K. FAZLUL HUQ: I think not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state how long has this incumbent held the post?

The Hon'ble Mr. A. K. FAZLUL HUQ: About five months now.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there was any advertisement for this post?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, the post had been advertised.

(At this stage Mr. Speaker asked the next question to be called.)

Dr. NALINAKSHA SANYAL: Sir, I am still on my legs.

Mr. SPEAKER: When the advertisement was finished, I thought that the question was also finished. (Laughter.)

Dr. NALINAKSHA SANYAL: All right, Sir.

Communal ratio in the inspectorate of schools in Dacca district.

4. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present number of—

(1) Sub-Inspectors, and

(2) Subdivisional Inspectors of Schools in the district of Dacca;

(*ii*) the number of them that are—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes; and

(*iii*) the names of those officers, circle by circle and subdivision by subdivision?

(*b*) If there is no Scheduled Caste Sub-Inspector or Subdivisional Inspector of Schools, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) (1) 18 (including one Special Sub-Inspector for Maktabs).

(2) Two.

(*ii*) (1) Five.

(2) Thirteen.

(3) Nil.

(*iii*) Two statements, A and B, are laid on the table.

(*b*) The question is being investigated in consultation with the Inspector of Schools, Dacca Range. Endeavour will be made to post a Scheduled Caste officer to the district.

Statement A referred to in the reply to (a) (iii) of unstarred question No. 4, showing the particulars of the Sub-Inspectors of Schools in the district of Dacca.

Name.	Designation.
1. Maulvi Abdul Razzaq	.. Sub-Inspector of Schools, Srinagar.
2. Maulvi Mahmudar Rahman	.. Sub-Inspector of Schools, Ghior.
3. Maulvi Md. Babroo	.. Sub-Inspector of Schools, Dhamrai.
4. Maulvi Serajuddin Ahmed	.. Sub-Inspector of Schools, Dacca Sadar.
5. Babu Ashutosh Mitra	.. Sub-Inspector of Schools, Araihazar.
6. Maulvi Md. Abdul Hai	.. Sub-Inspector of Schools, Kaliganj.
7. Maulvi Abdul Majid	.. Sub-Inspector of Schools, Monohardi.
8. Babu Makhanlal Ganguly	.. Sub-Inspector of Schools, Lohajung.

Name.	Designation.
9. Maulvi Syed Ali Hamed	.. Sub-Inspector of Schools, Singuir.
10. Maulvi Dewan Ali	.. Sub-Inspector of Schools, Narsingdi.
11. Maulvi Abdul Gaffar	.. Sub-Inspector of Schools, Raipura.
12. Babu Girindra Narayan Basak	.. Sub-Inspector of Schools, Joydevpur.
13. Maulvi Ismailuddin Ahmed	.. Sub-Inspector of Schools, Sibpur.
14. Babu Nagendra Kumar Chowdhury	.. Sub-Inspector of Schools, Manikganj.
15. Maulvi Nadir Ali Rarhi	.. Sub-Inspector of Schools, Munshiganj.
16. Maulvi Abul Faiz Mahammed	.. Sub-Inspector of Schools, Narayanganj.
17. Babu Suresh Chandra Chakravarty	.. Sub-Inspector of Schools, Nawabganj.
18. Maulvi Mahmudzaman	.. Special Sub-Inspector for Maktabs, Dacca.

Statement B referred to in the reply to clause (a) (iii) of unstarred question No. 4, showing the particulars of the Subdivisional Inspectors of Schools in the district of Dacca.

Name.	Designation.
1. Maulvi Ataur Rahman	.. Subdivisional Inspector of Schools, Dacca Sadar.
2. Maulvi Toffazal Ali	.. Subdivisional Inspector of Schools, Narayanganj, Dacca.

Admission in Guru Training Schools in Rangpur district.

5. **Mr. KSHETRA NATH SINHA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the years 1939 and 1940 in respect to the Rangpur district—

(*i*) the number of gurus admitted into the Guru Training Schools; and

(*ii*) the number of them belonging to—

(1) Caste Hindu,

(2) Muslim, and

(3) Scheduled Castes?

(*b*) Will the Hon'ble Minister be pleased to state whether the selection is made on population basis?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the question of provincial ratio is observed by the appointing authority; and

(*ii*) under whose order the appointment is made?

(*d*) Is it a fact that the Government have fixed different ratio for different districts in matters of such appointments?

(*e*) If so, will the Hon'ble Minister be pleased to state whether Government contemplate the observance of ratio uniformly in all matters of selection or appointments?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*ii*)—

	In the year 1939.	In the year 1940.
(*i*)	90	90
(*ii*)	9	7
	65	65
	16	18

(*b*) With effect from the year 1940 seats have been reserved for students of the Scheduled Castes only on a population basis.

(*c*) (*i*) No. The provincial ratio applies to appointments to posts, not to admission into schools.

(*ii*) The District Inspector of Schools.

(*d*) No.

(*e*) Government do not propose to apply the communal ratio to admissions into Guru Training Schools.

Better arrangements for Scheduled Caste boarders in the Eden Hindu Hostel.

6. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any arrangement for the Scheduled Caste students in the attached hostel of the Presidency College (i.e., Eden College Hostel)?

(*b*) Is it a fact that condemned rooms are set apart for Scheduled Caste boys?

(c) If so, is the Hon'ble Minister considering the desirability of providing better seats for Scheduled Caste boys?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes, but the arrangements made were not acceptable.

(b) No, but the rooms reserved were on the ground floor of the Hostel.

(c) The matter is still under consideration.

Mr. MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the authorities are determined not to reserve any seat except on the ground floor?

Mr. SPEAKER: That question does not arise.

Extension of service granted to clerical officers in the office of Inspector-General of Registration.

7. **Mr. ABDUL HAKEEM:** (a) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(i) the number of Upper Division Assistants existing at present in the office of the Inspector-General of Registration, Bengal, who have completed 55 years of age;

(ii) the date on which they have completed the said age;

(iii) the number of Upper Division Assistants who have completed 30 years of service;

(iv) the date on which they completed 30th year of their service;

(v) the number of Lower Division Assistants of the said office who have been drawing the maximum of their pay;

(vi) the dates on which they reached the maximum;

(vii) the number of—

(1) Upper Division, and

(2) Lower Division

Assistants who will attain 55 years of their age within the next 5 years;

(viii) the dates on which they will attain the said age;

(ix) the number of—

(1) Upper Division, and

(2) Lower Division

Assistants who will complete 30 years of their service within the next 5 years;

(*x*) the dates on which they will complete 30 years of service;

(*xi*) the number of extensions, if any, granted to the Upper Division Assistants; and

(*xii*) the reasons for granting the same?

(*b*) Will the Hon'ble Minister be pleased to state the principle followed in the office of the Inspector-General of Registration, Bengal, regarding retirement and granting of extensions to the clerical establishment?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) to (*x*) A statement is laid on the table.

(*xi*) Two extensions only in the case of one clerk.

(*xii*) Owing to an exceptional number of deaths and retirements in the office of the Inspector-General of Registration, during the last three years no Assistant in that office was, in the opinion of the Inspector-General of Registration, altogether suitable to take the place of the Assistant in question who is the Budget and Accounts Assistant.

(*b*) Extensions are allowed for exceptional reasons.

Statement referred to in the reply to clauses (a) (i) to (x) of unstarred question No. 7, showing the particulars in regard to the office of the Inspector-General of Registration.

(*a*) (*i*) The number of the Upper Division Assistants existing at present in the office of the Inspector-General of Registration, Bengal, who have completed 55 years of age—One.

(*ii*) The date on which they have completed the said age—16th November, 1938.

(*iii*) The number of Upper Division Assistants who have completed 30 years of service—Two.

(*iv*) The dates on which they completed 30th year of their service—15th November, 1935, and 1st November, 1937.

(*v*) The number of Lower Division Assistants of the said office who have been drawing the maximum of their pay—Four.

(*vi*) The dates on which they reached the maximum—1st January, 1936, 1st January, 1934, 1st January, 1937, and 1st January, 1938.

(vii) The number of (1) Upper Division and (2) Lower Division Assistants who will attain 55 years of their age within the next 5 years —(1) Four and (2) one.

(viii) The dates on which they will attain the said age—30th June, 1940, 15th December, 1942, 15th December, 1941, 28th August, 1941, and 15th March, 1944.

(ix) The number of (1) Upper Division and (2) Lower Division Assistants who will complete 30 years of their service within the next five years—(1) Three and (2) two.

(x) The dates on which they will complete 30 years of service—1st December, 1942, 1st October, 1940, 21st July, 1941, 1st February, 1944, and 9th January, 1944.

Grant-in-aid to primary schools in cess districts.

8. **Khan Sahib HAMIDUDDIN AHMED:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) the names of those districts in Bengal—

(1) in which free primary education has been introduced, and

(2) where education cess has been levied;

(ii) the number of free primary schools started in each district;

(iii) the amount necessary for meeting the recurring expenditure for maintaining these schools;

(iv) the present number of aided primary schools for—

(1) boys, and

(2) girls;

(v) the amount of grants-in-aid given to them;

(vi) the total amount of education cess demand; and

(vii) the amount of permanent recurring grant by the Government in the direction?

(b) Have the Government made any scheme to enable the respective School Boards to meet the deficit?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) A statement is laid on the table.

(b) The question is under the consideration of Government.

Statement referred to in reply to clause (a) of unstarred question No. 8.

(i) The names of those districts in Bengal—		(ii) The number of primary schools started in each district.	(iii) The amount necessary for meeting the recurring expenditure for maintaining these schools.	(iv) The present number of aided primary schools for—		(v) The amounts of grant-in-aid given to them.	(vi) The total amount of education cess demand.	(vii) The amount of permanent recurring grant by the Government in the direction.
(1) In which free primary education has been introduced.	(2) Where education cess has been levied.			(1) Boys.	(2) Girls.			
			Rs.			Rs.	Rs.	Rs.
1. Mymensingh ...	Mymensingh ...	2,595	14,37,730	49	2,634	64,000	8,93,097	1,82,190
2. Dacca ...	Dacca ...	1,834	7,04,000	160	103	1,27,650	4,60,000	1,48,784
3. Tippera ...	Tippera ...	1,500	6,27,000	275	437	1,25,524	3,06,531	1,47,094
4. Chittagong ...	Chittagong ...	240	66,942	1,092	284	1,09,282	2,97,408	1,11,238
5. Noakhali ...	Noakhali ...	857	2,38,397	957	785	1,09,739	3,69,595	99,569
6. Jalpaiguri ...	Jalpaiguri ...	792	3,75,000	Nil	Nil	Nil	3,22,869	56,151
7. ...	Faridpur ...	...	...	...	...	...	...	...
8. ...	24-Parganas ...	...	...	...	...	...	...	...
9. ...	Bakarganj ...	...	...	...	...	...	...	...
							26,49,500	

Dr. SURESH CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state why no free primary education has as yet been introduced in West Bengal districts, although it has been introduced in five districts in East Bengal and one district in North Bengal?

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state when Government intend to take final decision on the question of meeting the deficit of the school boards?

Mr. SPEAKER: That is not a supplementary question. Please put a specific question.

Maulvi MUHAMMAD ISRAIL: In answer (*b*) the Hon'ble Minister has stated: "The question is under the consideration of Government." I want a specific answer as to when Government would take final decision on the matter.

Mr. SPEAKER: That is all right. I am sorry I could not catch you at first.

The Hon'ble Mr. A. K. FAZLUL HUQ: Government is in correspondence with the various District School Boards and as soon as the amount is finally settled a demand will have to be made in the supplementary budget, because there are no funds in the budget that has been passed.

Maulvi MUHAMMAD ISRAIL: Is the Hon'ble Minister aware that last year also some amount, Rs. 5 lakhs or so, was provided? Cannot the amount be provided from that head?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is exactly the question which will be considered, namely, how much can be met from the savings and what new sum will have to be provided.

Appointment of Vernacular Teachers for special guru-training centres in Chittagong.

9. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many Matric Vernacular Masters were recently appointed in connection with the starting of some special guru-training centres in Chittagong;

(*ii*) what were their respective—

(1) academic qualifications,

(2) past experience,

(3) special claims, if any, and

(4) native districts?

(*b*) Were these posts advertised at all? If so, how?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) how many candidates applied in response to the said advertisement;

(*ii*) what were their respective—

(1) academic qualifications,

(2) past experiences,

(3) special claims, if any, and

(4) native districts?

(*d*) Was there any candidate amongst the applicants from the district of Chittagong?

(*e*) Is there any Matric Vernacular Master of Chittagong district in the subordinate grade of the Education Department?

(*f*) Was any such appointment ever made from amongst the Chittagong Vernacular Masters during the last 20 years?

(*g*) If not, will the Hon'ble Minister be pleased to state the reason thereof?

(*h*) Is it a fact that none of the Chittagong Matric Vernacular Masters who applied for the posts in connection with the opening of the Comilla special guru-training centres was appointed?

(*i*) If so, what were the reasons?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Four Matric Vernacular Masters were appointed in connection with the starting of four Training Centres in the district of Chittagong.

(*ii*) Statement A showing their academic qualifications, teaching experience, special claims and native districts is laid on the table.

(*b*) Yes. An advertisement was made in the *Calcutta Gazette* to fill up the posts in the district of Tippera and a large number of candidates from Chittagong, Noakhali and Tippera as well as from other districts of Bengal applied for the posts. The Divisional Panel Committee interviewed and selected the best candidates available for the

purpose. The posts in the Training Centres in the districts of Chittagong and Noakhali were filled up by the candidates already empanelled. Hence there was no necessity for fresh advertisement.

(*e*) (*i*) 102 candidates applied in response to the advertisement referred to above.

(*ii*) Statement B showing their qualifications, teaching experiences, special claims and native districts is laid on the table.

(*d*) Yes, eleven applicants were from the Chittagong district.

(*e*) and (*f*) Yes.

(*g*) Does not arise.

(*h*) No. The name of one of the Chittagong Matric Vernacular Masters (Babu Gopalkrishna Datta) who applied for the posts was empanelled and he was subsequently appointed in a Training Centre in the district of Noakhali. One Babu Bimal Krishna Palit, V.M. and I.A., of Chittagong, was also appointed as Vernacular Teacher in the Training Centre attached to the Begumganj High English School, Noakhali.

(*i*) Does not arise.

Statement A referred to in the reply to clause (a) (ii) of unstarred question No. 9.

Name.	Academic qualifications.	Teaching experience.	Special claim.	Native district.
		Years.		
(1) Maulvi Zainal Abedin	Matric. V.M.	6	Nil	Tippera.
(2) Md. Liakatullah ..	Do. ..	5	Nil	Do.
(3) Babu Surendra Narayan Rakshit.	Do. ..	3	Nil	Do.*
(4) Babu Manindra Ranjan Das.	Do. ..	8	Nil	Noakhali.

*Trained in Physical Education and Bratachari.

Statement B referred to in the reply to clause (c) (ii) of unstarred question No. 9, showing list of Matric V. M. candidates.

	Name.	Academic qualifications.	Teaching experience.	Special claim.	Native district.	Remarks.
			Y. M.			
1.	Md. Kasem Ali ..	Matric V. M. ..	3 0	Nil	Tippera.	
2.	Md. Basheerullah ..	Islamic I.A. and V. M.	Some months.	Nil	Do.	
3.	Md. Abdul Jabbar ..	Matric V. M. ..	5 0	Nil	Barisal ..	Absent.
4.	Md. Shamsur Rahman ..	Do. ..	Nil	Nil	Tippera.	
5.	Md. Zainal Abedin ..	Do. ..	3 0	Nil	Noakhali.	
6.	Abu Md. Serajul Islam ..	Do. ..	..	Nil	Tippera.	
7.	Siddiqullah ..	Do. ..	Few months.	Nil	Noakhali.	
8.	M. Abdus Salam ..	Do. ..	2 0	Nil	Chittagong.	
9.	Md. Nurul Haq Mia ..	Do. ..	Nil	Nil	Tippera.	
10.	Md. Ali Haider Chowdhury ..	Do. ..	..	Nil	Noakhali ..	Scout Master and Drawing Expert.
11.	Bazlur Rahman ..	Do. ..	2 0	Nil	Tippera.	
12.	A. K. Md. Abdur Rahman ..	Do. ..	Nil	Nil	Do.	
13.	Md. Khalilur Rahman ..	Do. ..	Nil	Nil	Do.	
14.	Basiruddin Ahmad ..	V. M. ..	Experienced.	Nil	Do.	
15.	Zainal Abedin ..	Matric V. M. ..	6 0	Nil	Do. ..	Special in Drill and Free-hand Drawing.
16.	Mahabbatali Mazumdar ..	V. M. ..	25 0	Nil	Do.	
17.	Ikbal Ahmed ..	Matric V. M. ..	2 7	Nil	Chittagong ..	Drawing.

18.	Md. Nural Haq ..	Matric V. M. ..	6 0	Nil	Tippera.	
19.	Md. Adam Ali Hazra ..	Do. ..	0 2	Nil	Do.	
20.	Abdul Latif ..	Do. ..	2 0	Nil	Do.	
21.	Md. Sarafatullah ..	Do. ..	0 6	Nil	Do.	
22.	Kafiluddin Ahmed ..	Do. ..	Not known.	Nil	Noakhali ..	Absent.
23.	Nazir Ahmed ..	Do. ..	5 0	Nil	Chittagong.	
24.	Solaiman Ahmed ..	Do. ..	2 6	Nil	Tippera.	
25.	Nawab Ali ..	Do. ..	About 5 years.	Nil	Do.	
26.	Abu Md. Rafiqul Islam ..	Do. ..	7 0	Nil	Do. ..	Absent.
27.	Muzaffar Ahmed ..	Do. ..	6 0	Nil	Do.	
28.	Ali Modasar ..	Do. ..	8 0	Nil	Do.	
29.	Md. Sultan Mia ..	Do. ..	4 0	Nil	Do.	
30.	Ausiuddin Ahmed ..	Do. ..	14 0	Nil	Do. ..	Absent.
31.	Md. Abdul Ghani ..	Do. ..	0 5	Nil	Do.	
32.	Serajuddin Ahmed ..	Do. ..	4 0	Nil	Do.	
33.	Mainuddin Ahmed ..	Do. ..	1 6	Nil	Do.	
34.	Hossainuddin Ahmed ..	Do. ..	4 3	Nil	Bogra ..	Absent.
35.	Moazzal Islam Khan Chowdhury	Do. ..	4 0	Nil	Tippera.	
36.	Saikh Sarifuddin ..	Do. ..	Nil	Nil	Jessore.	
37.	Syed Nural Haq ..	Do. ..	1 8	Nil	Chittagong.	
38.	Shamsul Haq ..	Do. ..	4 0	Nil	Tippera ..	With Physical training—1st class.
39.	Md. Noab Ali ..	V. M. ..	4 0	Nil	Do. ..	
40.	Ali Ahmed ..	Matric V. M. ..	2 0	Nil	Do.	
41.	Md. Abul Qasem ..	Do. ..	2 0	Nil	Do.	
42.	Inatullah ..	Do. ..	4 0	Nil	Do.	
43.	Kazi Zulfiquar Haider ..	Do., I.A. plucked.	4 0	Nil	Do. ..	With Scout Training and Physical Training.
44.	Md. Laqiatullah Mazumdar ..	Matric V. M. ..	About 3 years.	Nil	Do. ..	
45.	Manzural Haq Khan ..	Do. ..	0 2	Nil	Dacca.	

Name.	Academic qualifications.	Teaching experience.	Special claim.	Native district.	Remarks.
		Y. M.			
46. S. M. Mahiuddin ..	Matric V. M. ..	4 0	Nil	Pabna.	
47. Md. Abed Hossain ..	High Madrasah V. M.	4 0	Nil	Tippera ..	Buchanan Trained.
48. Md. Liakutullah ..	Matric V. M. ..	5 0	Nil	Do.	
49. Md. Rustamali Mollah ..	Do. ..	3 0	Nil	Mymensingh.	
50. Md. Lal Mian ..	Do. ..	For some years.	Nil	Tippera.	
51. Syed Abdul Bari ..	V. M. ..	9 0	Nil	Do.	
52. S. Md. Harunnerrashid ..	Matric V. M. ..	2 0	Nil	Noakhali.	
53. Abdur Rashid ..	Do. ..	Not known.	Nil	Do.	
54. Sikandar Ali ..	Do. ..	1 0	Nil	Tippera ..	Absent.
55. Ahmedur Rahman Chowdhury	Do. ..	About 3 years.	Nil	Chittagong.	
56. Md. Safdar Ali ..	Do. .	Not known.	Nil	Tippera.	
57. Md. Ali Hossain ..	Do. ..	10 0	Nil	Do.	
58. Md. Abdul Halim ..	Do. ..	Nil	Nil	Do.	
59. Md. Wajihullah ..	Do. ..	3 0	Nil	Noakhali.	
60. Monomohan Nath ..	Do. ..	3 0	Nil	Do.	
61. Manindra Ranjan Das ..	Do. ..	8 0	Nil	Do.	
62. Ratneswar Mazumdar ..	Do. ..	3 0	Nil	Do.	
63. Rabindra Nath Chowdhury ..	Do. ..	2 0	Nil	Chittagong ..	Absent.
64. Aswini Kumar Dutta ..	Do. ..	0 6	Nil	Tippera.	

65.	Sashi Mohan Dutta ..	Matric V. M. ..	5 0	Nil	Tippera ..	With Bratachari Training, Scout-Master and Cub-Master's Training.
66.	Dwijendra Lal Mazumdar ..	Do. ..	3 0	Nil	Noakhali ..	
67.	Rashmohan Roy Upadhya ..	Do. ..	4 0	Nil	....	
68.	Bipin Behari Bardhan ..	Do. ..	Many years.	Nil	Tippera.	
69.	Gopi Kanta Sarma ..	Do. ..	Not known.	Nil	Do.	
70.	Kishori Mohan Dutta ..	Do. ..	0 2	Nil	....	
71.	Manindra Chandra Dey ..	Do. ..	3 0	Nil	....	Absent.
72.	Bipin Behari Bardhan ..	Do. ..	5 0	Nil	Tippera ..	Trained Scout Master.
73.	Ashutosh Mazumdar ..	Do. ..	Not known.	Nil	Noakhali.	
74.	Jajneswar Bhattacharjya ..	Do. ..	About 2 years.	Nil	Chittagong.	
75.	Mahesh Chandra Deb Nath ..	Do. ..	6 0	Nil	Tippera.	
76.	Roup Lal Dutta ..	Do. ..	1 0	Nil	Do.	
77.	Subodh Chandra Dey ..	Do. ..	5 0	Nil	Mymensingh ..	Absent.
78.	Gurupada Nandan ..	Do. ..	Not known.	Nil	....	Do.
79.	Aswini Kumar Nath ..	Do. ..	13 0	Nil	Tippera.	
80.	Hiralal Chakravarti ..	Do. ..	2 0	Nil	Noakhali.	
81.	Narayan Chandra Sikdar ..	Do. ..	Not known.	Nil	Jessore.	
82.	Haridhan Ghosh ..	Do. ..	2 0	Nil	Tippera.	
83.	Bireswar Pal ..	Do. ..	5 0	Nil	Dacca.	
84.	Prabhat Chandra Kar ..	Matric V. M. up to I.A.	3 4	Nil	Tippera ..	U. P. and M. E. Scholar.
85.	Surendra Chandra Chowdhury	Matric V. M. ..	Nil	Nil	....	
86.	Devendra Nath Chakravarty ..	Do. ..	6 0	Nil	Khulna.	

	Name.	Academic qualifications.	Teaching experience.	Special claim.	Native district.	Remarks.
			Y. M.			
87.	Mahesh Chandra Devanath ..	Matric V. M. ..	5 0	Nil	....	
88.	Gopalkrishna Dutta ..	Do. ..	8 0	Nil	Chittagong.	
89.	Surendra Kumar Chakrabarti ..	Do. ..	3 0	Nil	Tippera.	
90.	Dakhina Charan Chakrabarti ..	Do. ..	3 0	Nil	Noakhali ..	Absent.
91.	Sukhomoy Mazumdar ..	Do. ..	Nil	Nil	Do.	
92.	Surendra Narayan Rakshit ..	Do. ..	3 0	Nil	Tippera ..	Took Bratachari Physical Training.
93.	Gopal Krishna Chakravarti ..	Do. ..	3 0	Nil	Chittagong ..	
94.	Jogendra Kumar Sarker ..	Do. (both in 1st division).	5 0	Nil	Tippera.	
95.	Sushil Chandra Chakrabarti ..	Matric V. M. ..	Nil	Nil	Chittagong.	
96.	Jamini Kanta Mazumdar ..	Do. ..	2 0	Nil	Noakhali.	
97.	Ramesh Chandra Das ..	Do. ..	10 0	Nil	Tippera.	
98.	Probodh Chandra Sarkar ..	Do. ..	3 0	Nil	Dacca ..	Absent.
99.	Ahibhushan Chakravarti ..	Do. ..	3 0	Nil	Tippera.	
100.	Lalmohan Chowdhury ..	Do. ..	1 6	Nil	Chittagong.	
101.	Amrita Lal Pal ..	Do. ..	Not known.	Nil	Noakhali.	
102.	Amarkrishna Ray Chowdhury	Do. ..	Do.	Nil	Tippera.	

Adjournment Motion.

Mr. SANTOSH KUMAR BASU: Sir, I want your leave to move an adjournment motion of which notice has already been given. There are two other adjournment motions practically on the same subject. I would ask you, Sir, to give your consent.

Mr. SPEAKER: Mr. Basu, I think your motion is in order if there is no objection from the other side.

Sir Nazimuddin, I would like to know what you have got to say to Mr. Basu's motion which says that the business of the House do adjourn to consider a definite matter of urgent public importance and of recent occurrence, namely, the action of the Government in arresting and detaining Mr. Subhas Chandra Bose without any charge or trial.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I maintain that Government have acted according to the law of the land. The law of the land is that a man can be arrested on a charge and under a warrant. There is also the law of the land that a man can be arrested without any warrant and without any charge. I submit, Sir, that no matter of urgent public importance has arisen, because of the action of Government as it is in the normal course——

Mr. SPEAKER: Sir Nazimuddin, are you maintaining that an arrest and detention without any charge is in the normal course?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. SPEAKER: It is of ocurse within the law, but you cannot say that it is normal.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, under certain circumstances if there is such a situation where the Legislature has authorized the passing of an Act which gives power to Government to arrest persons without a charge, then I submit, Sir, that if Government takes action it should be construed as normal and not abnormal.

Mr. SPEAKER: In any case I hold this motion to be in order. Is there any objection?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Mr. SPEAKER: I would ask those who are in favour of the motion being taken up to rise in their seats.

(Some members rose in their seats and a count was taken.)

Mr. SPEAKER: As the requisite number of members are in favour of the motion being taken up, I hold the motion to be in order and I fix 5-45 p.m. as the time when this motion will be taken up. My reason for fixing this time is that there will be an adjournment for fifteen minutes and after deducting those fifteen minutes we shall sit till 8 p.m.

Point of Privilege.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I rise on a point of privilege? On the 13th March last, this House passed a resolution desiring an address to be presented to His Excellency the Governor on certain matters relating to the revision of the Otto Niemeyer Award. Sir, may I know what procedure has been adopted for presenting that address and what has happened to that resolution?

Mr. SPEAKER: So far as that resolution is concerned, I immediately took steps for communicating it, but how and what procedure should be adopted is a matter of more than usual importance. As a matter of fact, it is a subject matter of discussion between myself and His Excellency's office. As soon as we come to a decision on the matter, I will take the whole House into confidence as to how the matter stands.

GOVERNMENT BILL.

The Bengal Agricultural Produce Markets Bill, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to present the Report of the Select Committee on the Bengal Agricultural Produce Markets Bill, 1940.

The Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, under section 88(2)(a) of the Government of India Act, 1935, I beg to lay before the House the Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940.

Mr. SURENDRA NATH BISWAS: Sir, I have tabled a resolution disapproving of this ordinance. May I know what time you will appoint for the consideration of that resolution?

Mr. SPEAKER: I will give my decision about that probably to-morrow. There is a matter of procedure which is being considered by me. I will speak about it to-morrow.

GOVERNMENT RESOLUTION.

The Bengal Motor Vehicles Rules, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to present the Report of the Joint Conference of Representatives of the Assembly and the Council appointed to consider the Bengal Motor Vehicles Rules, 1940.

Mr. SPEAKER: Sir Nazimuddin, I have very carefully considered the way in which this resolution should be moved by you, and I think the best way of moving it is—this Assembly is of opinion that Government do now take steps to amend the Bengal Motor Vehicles Rules, 1940, by incorporating therein the amendments noted below, viz., the amendments passed by the Joint Conference. Will you move it in that form?

The Hon'ble Khwaja Sir NAZIMUDDIN: All right, Sir.

I beg to move that this Assembly is of opinion that the Government do now take steps to amend the Bengal Motor Vehicles Rules, 1940, by incorporating therein the amendments noted below, viz., the amendments recommended by the Joint Conference:—

AMENDMENTS.

Rule 2.

1. That after Rule 2(*e*) the following sub-rule be added, namely:—

"(*f*) 'District Magistrate' includes an Additional District Magistrate."

Rule 9.

5. That in Rule 9(*b*) for the words "two members of that authority selected by him" the words "two members of that authority elected by it from time to time" be substituted.

6. That in Rule 9(*c*) (*1*) (*i*) for the words "selected by him" the words "elected by it from time to time" be substituted.

7. That after Rule 9(*c*) the following sub-rule be added, namely:—

"(*d*) The provisions of section 5 and section 12 of the Indian Limitation Act, 1908, will apply to appeals under sub-rule (*c*)."

Rule 10.

8. That in Rule 10(*a*) the expression "Rule 8 or" in lines 1 and 2 be omitted and in line 3 for the words "two rupees" the words "one rupee" be substituted.

9. That in Rule 10(*c*), in line 4, after the word "prefer" the words "or make any amendment consequential or incidental or that may be just or proper" be inserted.

Rule 13.

10. That in Rule 13(*d*) for the words "five rupees" the words "three rupees" be substituted.

Rule 14.

11. That in Rule 14(*c*), lines 2-3, the words "if the license is more than five years old and in other cases five rupees" be omitted.

Rule 16.

12. That in Rule 16(*a*) for sub-rule (*a*) the following be substituted, namely:—

"(*a*) When the holder of a license has submitted the license to a licensing or other authority for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee, or when a police officer or any Court has taken temporary possession of a license for any purpose other than that of sub-section (*2*) of section 129 of the Act and the license has not been suspended or cancelled, the licensing or other authority or the police officer or the Court, as the case may be, shall furnish him with a receipt for the license and temporary authorisation to drive in Form L Tem. When a police officer seizes a license under sub-section (*2*) of section 129 of the Act, he shall give to the person surrendering the license the temporary authorisation to drive under sub-section (*3*) of the said section also in Form L Tem. During such period as may be specified in Form L Tem., the production thereof on demand shall be deemed to be production of the license.

Rule 22.

13. That after Rule 22(*g*) the following sub-rule be added, namely:—

"(*h*) Any person aggrieved by an order of refusal made by the licensing authority under sub-rule (*b*) may, within 30 days of the communication to him of the order, appeal—

(*i*) where the licensing authority is the Deputy Commissioner of Police, Public Vehicles Department, to the Commissioner of Police, Calcutta;

(*ii*) where the licensing authority is the District Magistrate, to the Commissioner of the division.

The procedure laid down in Rule 10 for the conduct and hearing of appeals shall apply to all appeals preferred under this sub-rule."

Rule 23.

14. That in Rule 23, for the words "one month" in line 4 and "three months" in line 5, the words "three months" and "six months" be substituted respectively.

Rule 29.

15. That in Rule 29, lines 2-3, the words beginning with "graders" and ending with "tractors" be omitted.

Rule 30.

16. That in Rule 30(*f*) for the words and figures "25 per cent." in line 5 and "50 per cent." in line 6 the words and figures "125 per cent." and "150 per cent." be substituted respectively.

Rule 33.

18. That in Rule 33(*a*), line 3, for the words "two rupees" the words "one rupee" be substituted.

19. That in Rule 33(*c*), line 5, before the words "and shall make an order accordingly" the words "or make any amendment consequential or incidental or that may be just or proper" be inserted.

Rule 41.

21. That in Rule 41(*b*), lines 2-3, for the words "sixteen rupees except in the case of a motor cycle and invalid carriage when the fee shall be five rupees" the words "half the registration fee" be substituted.

Rule 47.

24. That in Rule 47(*a*), line 2, for the words "a Province" "the Province" be substituted.

Rule 50.

25. That in Rule 50 the words beginning with "graders" in line 2, and ending with "fitness" in line 5, be omitted.

Rule 54.

26. That Rule 54 be omitted.

Rule 60.

27. That in Rule 60(*a*) (*iv*), line 3, the word "and" be omitted and the words "and the Indian Road and Transport Development Association" be added at the end.

29. Rule 60(*a*) (*vi*)—omit "and executive officer of the authority."

31. For Rule 60(*c*) the following be substituted:—

"At the first meeting of the Provincial Transport Authority after this sub-rule comes into force, the said Authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at any meeting the members present shall elect one of their number to act as Chairman."

32. For Rule 60(*d*), the following sub-rule be substituted:—

"(*d*) The Chairman, or the Deputy Chairman or any member acting as Chairman under sub-rule (*c*) shall have a second or casting vote in all cases of equality of votes."

33. Rule 60(*h*)—omit "nominated" in line 1 and after "authority" insert "other than an *ex-officio* member" and for "nominated" in lines 3 and 5 insert "elected or appointed."

Rule 61.

39. For Rule 61(*d*), the following be substituted:—

"At the first meeting of the Regional Transport Authority after this sub-rule comes into force the said Authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at the meeting, the members present shall elect one of their number to act as Chairman."

40. For rule 61(*e*) the following sub-rule be substituted:—

"The Chairman, or the Deputy Chairman or any member acting as Chairman under sub-rule (*d*) shall have a second or casting vote in all cases of equality of votes."

41. Rule 61(*g*)—omit "nominated" and after "authority" insert "if such a member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct and after having given an opportunity to the member to be heard."

42. Rule 61(*h*)—omit "Nominated" in line 1 and after "authority" insert "other than an *ex-officio* member" and for "nominated" in lines 3 and 5 insert "elected or appointed."

43. Rule 61(*i*)—omit "nominated" in line 1 and after "authority" in line 1 insert "not being a servant of the Crown in India."

New Rule 61A.

44. Rule 61A—insert the following new rule:—

"61A. No person shall be a member both of the Provincial Transport Authority and of a Regional Transport Authority."

Rule 62.

45. Rule 62 (*d*)—for "one-third" in last line but three read "one-quarter."

46. Rule 62(*h*)—add "voting may be by ballot if so decided by the Authority."

Rule 62.

47. Rule 62(*i*)—add "provided that when the Secretary has refused a permit such refusal shall be subject to the approval of the authority at its next meeting."

Rule 65.

48. Rule 65(*b*)—after "newspaper" insert "or newspapers."

Rule 66.

49. Rule 66(*a*)—omit "either" in the fifth line of the sub-rule and omit "may" in the penultimate line of the sub-rule.

50. Rule 66(*c*)—before "either" in the fourth line insert "and conduct his case."

Rule 71.

51. Rule 71—for the existing rule substitute the following:—

"(*a*) Subject to the provisions of section 63 of the Act, a Regional Transport Authority (hereinafter referred to as the original Transport Authority) may issue a permit other than a permit in Form P. St. P., a permit in Form P. St. S. and a permit in Form P. Co. S., having validity in any other region in the province in accordance with any general or special resolution recorded by any other Regional Authority, and any permit so issued shall be of like effect in the region of the other Authority as if it were issued by that Authority provided always that the vehicles to which the permit refers are normally kept within the region of the original Transport Authority. When issuing the permit aforesaid the original Transport Authority may subject to the provision of sub-rule (*b*) attach conditions to the permit with effect to such other region and may vary conditions of the permit in different regions.

(*b*) An original Transport Authority may issue under this rule a contract carriage permit in Form P. Co. S. with effect in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport Authority under a contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire outside that region.

(*c*) The original Transport Authority which issues a permit with effect in any other region under this rule shall send a copy of the permit to the Authority of the other region.

(*d*) Nothing in this rule shall affect the right of the holder of any permit to apply to any Regional Transport Authority for counter-signature of a permit."

Rule 71A.

56. After Rule 71 insert the following:—

"71A. Permits—Inter-regional stage carriage—

(*a*) Subject to the provisions of section 63 of the Act an application for a stage carriage permit having validity in two or more regions within the province shall be considered at a Joint Conference of the Regional Transport Authorities concerned to be held periodically at such times and at such places within one of the regions concerned as the Chairmen of the said Regional Transport Authorities may jointly decide; provided that the authorities concerned shall not meet in Joint Conference more than once in each of the periods of three months of January to March, April to June, July to September and October to December, but any such meeting may continue for more than one day.

(*b*) Upon receipt of such an application the Secretary of the Regional Transport Authority to which the application is preferred (hereinafter referred to as the Original Transport Authority) shall, if the application is in order, with all reasonable despatch circulate particulars thereof to the other Regional Transport Authorities concerned together with an enquiry as to the date on which the matter is to be decided by Joint Conference.

(*c*) In fixing the date on which the application is to be considered by Joint Conference the Regional Transport Authorities concerned shall without prejudice to the proper examination of the application and any enquiries in connection therewith have regard to the desirability of avoiding delay in the issue of such a permit and shall so arrange its business that the permit shall normally be granted or refused within the quarterly period referred to in sub-rule (*a*) in which the application is received.

(*d*) The Chairman of the Original Transport Authority shall be the Chairman of the Conference.

(*e*) The Procedure for the hearing of applications for permits laid down in Rule 66 shall apply to the hearing of applications at a Joint Conference under this rule.

(*f*) Each Regional Transport Authority at the Conference shall have one vote.

(*g*) The decision of a Joint Conference shall be recorded in the form of a resolution.

(*h*) In accordance with any resolution recorded at the Joint Conference the Original Transport Authority may issue the stage carriage permit applied for after obtaining the countersignature of the Regional Transport Authority concerned according to the provisions of section 63 of the Act and the permit so issued shall be of like effect in the regions of the other authorities as if it were issued by those authorities, provided always that the vehicle or vehicles to which the permit refers are normally kept within the region of the Original Transport Authority.

(*i*) The Original Transport Authority which issues a stage carriage permit with effect in any other regions under this rule shall send a copy of the permit to the authorities of the other regions concerned.

(*j*) If on account of an equality of votes the Joint Conference fails to reach a decision or if any of the Regional Transport Authorities fails to accept the decision reached by the votes, such failure shall be recorded in a resolution of the Conference.

(*k*) (*i*) In the event of a resolution being passed under sub-rule (*j*), the Chairman of the Joint Conference shall, within thirty days from

the date of such resolution, refer the matter to the Provincial Transport Authority under clause (*c*) of sub-section (*3*) of section 44 of the Act for decision and shall forward to the Secretary all the relevant documents (in duplicate), with a covering memorandum setting forth concisely the grounds of objection of the dissenting Regional Transport Authority to the grant of the permit or to the decision of the Joint Conference as the case may be.

(*ii*) As soon as may be after a resolution is passed under sub-rule (*j*) the Chairman shall cause a copy of the resolution to be communicated to the applicant or applicants, as the case may be.

(*l*) Any person aggrieved by the failure of the Original Transport Authority to grant a permit or the failure of a Regional Transport Authority to countersign a permit in view of the resolution of the Joint Conference recorded under sub-rule (*j*) may, within 30 days from the date of receipt of the copy of the resolution under clause (*ii*) of sub-rule (*k*), appeal to the Provincial Transport Authority and the provisions of sub-rules (*b*) to (*f*) of Rule 90A shall, *mutatis mutandis*, apply to such appeals.

(*m*) If an appeal is preferred under sub-rule (*l*) the Provincial Transport Authority shall deal with and dispose of the reference made to it under sub-rule (*k*) in respect of the subject-matter of such appeal, along with, but not before, the hearing of such appeal.

(*n*) The order passed by a Provincial Transport Authority on a reference made to it under sub-rule (*k*), or on an appeal under sub-rule (*l*) or under sub-rule (*b*) of Rule 90A, and the order passed by the Appellate Authority on an appeal under Rule 89 from the decision of a Provincial Transport Authority on a reference made to it under sub-rule (*k*) shall be forthwith communicated to the Original Transport Authority and a copy of every such order shall be also sent to each of the other Regional Transport Authorities concerned, and if any such order directs the issue of or confirms any decision for the issue of, a permit, the Original Transport Authority shall issue the permit in pursuance of the said order and the provisions of sub-rules (*h*) and (*i*) shall apply.

Rule 74.

63. Rule 74(*f*)—insert the words "exceeding two maunds" after the words "carriage of goods" in line 2.

66. Rule 74(*f*)—Explanation—for "may" in line 1 read "shall" and at the end of the Explanation add "exceeding two maunds."

Rule 75.

67. Rule 75(*a*)—for "20 lbs." read "10 seers" and add at the end of the clause, "except that in the areas outside Calcutta, including the suburbs and the Municipality of Howrah, 15 seers shall be allowed per passenger."

Rule 78.

70. Rule 78(*a*)—for the last line of the sub-rule substitute, "by the fees prescribed in Rules 72 to 72F."

Rule 78A.

71. Rule 78A—after Rule 78 of the said rules insert the following:—

"*Rule 78A.*—Permits issued or renewed within two years of the commencement of the Act—duration of—Permits issued or renewed within two years of the commencement of the Act shall be effective without renewal for one year from the date of issue or renewal as the case may be."

Rule 85.

76. Rule 85(*c*)—add the following proviso to the sub-rule:—

"(*c*) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application which the Regional Transport Authority is subsequently satisfied, after having given the parties an opportunity of submitting an explanation, was false in respect of the matter specified in sub-rule (*b*) or in respect of any other material particular shall be void."

Rule 86.

78. Rule 86(*c*)—for "five rupees" and "three rupees" read "three rupees" and "one rupee" respectively.

Rule 89.

78A. Rule 89—after the words "section 64 of the Act" insert the words "including an order passed on a reference made to a Provincial Transport Authority under sub-rule (*k*) of rule 71A."

79. Rule 89—delete sub-rule (*b*)(*i*) and renumber (*b*)(*ii*) as (*b*)(*i*) omitting the words "and shall in that case order the appellant to deposit such fee as he may specify not exceeding fifty rupees."

Rule 90.

79A. Rule 90—before the words "The Authority to decide an appeal" insert the words, figure and letter "Save as otherwise provided in Rule 90A."

79B. Rule 90—delete sub-rule (*b*)(*i*) and renumber (*b*)(*ii*) as (*b*)(*i*) omitting the words "and shall in that case order the appellant to deposit such fee, not exceeding twenty-five rupees as the appellate authority may specify."

Rule 90A.

81. Rule 90A—after Rule 90 of the said rules insert the following:—

Rule 90A—Permits—Inter-regional stage carriage—Appeals against order of Joint Conference:—

(*a*) The authority to decide an appeal against all orders based on the resolution of the Joint Conference passed under sub-rule (*n*) of Rules 71A in respect of matters referred to in clauses (*a*), (*d*) and (*f*) of section 64 of the Act shall be the Provincial Transport Authority or a sub-committee to be appointed by it from time to time.

(*b*) Any person aggrieved by any such order may, within thirty days of receipt of such order prefer an appeal in writing under this rule by presenting a Memorandum (in duplicate) to the Secretary to the Provincial Transport Authority, one copy of which shall bear a court-fee stamp of one rupee and such Memorandum shall set forth concisely the grounds of objection to such order and shall be accompanied by a certified copy of that order and of the resolution of the Joint Conference on which such order is based.

(*c*) Upon receipt of an appeal in accordance with sub-rule (*b*) the appellate authority shall appoint a time and place for the hearing of the appeal giving the appellant not less than thirty days' notice.

(*d*) The appellate authority shall also issue notices to the Regional Transport authorities concerned on receipt of such appeal.

(*e*) The appellate authority, after giving an opportunity to the parties to be heard, and after such further enquiry if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred.

(*f*) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals preferred under sub-rule (*b*).

Rule 91.

84. Rule 91—after the word and figures "rule 90" insert the words, figures and letter, "or rule 90A."

Rule 92.

85. Rule 92—consequent on the amendments to Rules 89 and 90, delete the rule.

Rule 93.

86. Rule 93(*b*)—substitute the following for item (*b*):—

"Any fire brigade, vehicle or ambulance when being used as such, and any vehicle owned by a local authority and used for municipal purposes to meet cases of emergency or of delays by reason of circumstances which could not be foreseen."

Rule 96.

87. Rule 96—the title of this rule should be "Drivers and Conductors of Public Service Vehicles—Conduct and duties of."

88. Rule 96(*a*)(*ii*)—add "or behave in a manner likely to cause annoyance to any female passenger."

Rule 97.

91. Rule 97(*ii*)—add "and shall not behave in a manner likely to cause annoyance to any female passenger."

Rule 101.

93. Rule 101(*c*)—insert "the" before "Licensing Authority."

95. Rule 101(*j*)(*iv*)—omit the clause.

97. Rule 101(*p*)—substitute "three months" for "one month."

Rules 102 and 103.

98. Rules 102(*c*) and 103(*c*)—in the third line substitute "one rupee" for "two rupees."

Rule 105.

99. Rule 105(*b*)—after "practitioner" insert "or sanitary inspector."

100. Rule 105(*c*)—after "health" in the fourth line and "officer" in the fourth line and "officer" in the 8th and 9th, insert "or Sanitary Inspector."

Rule 106.

101. Rule 106(*d*)—insert "or District Board" after "Municipality" in line 7; after "Municipal" in line 7 insert "or district board."

Rule 112.

103. Rule 112(*b*)—for "208" read "209."

Rule 113.

104. Rules 113(*b*)(*ii*)—for "suppose" read "believe."

105. Rule 113(*d*)—insert "the" before "first or second class."

Rule 115.

106. Rule 115—substitute the following for the rule:—

"Sub-section (*1*) of section 42 of the Act shall not apply to transport vehicles owned by the Communications and Works Department, Calcutta Corporation, Municipalities and District Boards and used for road making and maintenance."

Rule 122.

109. Rule 122(*d*)—for the words "no braking system shall be dependent upon the rotation of the engine," substitute the words "no braking system shall be rendered ineffective by the non-rotation of the engine."

110. Rule 122(*d*), proviso—omit the following words from the sub-rule (*d*) and add them to the proviso:—

"and to the braking system of any trailer and of the trailing half of any articulated vehicle."

Rule 124A.

112. Rule 124A(*a*).—Add the following proviso:—

"Provided that the Registering Authority may grant a special permit for the use of radios or gramophones with or without loud speakers in specially equipped motor vehicles used for educational or traffic purposes."

Rule 134.

115. Rule 134(*a*)—insert "after the 1st day of April, 1941," at the beginning of the sub-rule and add the following proviso to the sub-rule:—

"Provided that the Registering Authority may exempt any vehicle or class of vehicles from the operation of this sub-rule."

Rule 138.

117. Rule 138(*c*)—add clause (*v*) "Any bumper."

Rule 175.

118. Rule 175(3)—delete the present sub-rule and substitute the following:—

"In the case of trailers registered in India after the 1st day of April 1940, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle."

Rule 176.

120. Rule 176(*a*)—substitute the word "City" for "region" in the second line and add the words and brackets "(including suburbs)" after the word "Calcutta," and before the words "speed governor" in the third line; the words "an effective" should be substituted for the word "a".

Rule 187.

122. Rule 187—after Rule 186 insert the following:—

"*Rule 187.*—Payment of fare for hire of contract carriages:—

(*a*) No hirer of a contract carriage shall refuse or omit to pay the legal fare for the hire of a contract carriage.

(*b*) In Calcutta, including suburbs, in the case of a motor cab, the legal fare shall ordinarily be the fare shown on the taxi-meter. In the event of a dispute in connection with the fare, or if the hirer has reasonable grounds for believing that the meter is registering incorrectly, the hirer shall, if required by the motor cab driver, accompany him to the nearest police officer and he shall not refuse to supply his correct name and address to the motor cab driver or to the police officer."

Rule 191.

125. Rule 191(*a*)—after "police officer" occurring in the fourth line insert "or any officer of a district board or municipality other than a ministerial officer or a menial."

126. Rule 191(*a*) (*iii*)—for "twenty-four hours" substitute "twelve hours within municipal areas and twenty-four hours elsewhere."

128. Rule 191(*d*)—after sub-rule (*c*) add the following sub-rule:—

"(*d*) (*i*) The owner of the motor vehicle or his heirs or assigns may, within 14 days from the date of the payment referred to in sub-rule (*c*), challenge the correctness or otherwise of the amount realised as expenses incurred by the police officer under that sub-rule, by a statement in writing delivered to the Commissioner of Police, Calcutta, or to the District Magistrate according as such payment is made in the City of Calcutta (including suburbs) or elsewhere.

(*ii*) Upon receipt of such statement, the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, shall cause such enquiries to be made as appear to be necessary to satisfy himself as to the correctness or otherwise of the amount realised as expenses of the police officer under sub-rule (*c*) and shall pass such orders thereon as he deems fit.

(*iii*) If the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, is satisfied that the amount so realised is excessive, he shall order a refund to be made to the persons submitting the statement of the amount which he considers to be in excess of the amount which such person is liable to make good under sub-rule (*c*)."

Rule 192.

129. Rule 192(*c*)—after the word "vehicle" occurring in the first line insert "not being engaged in driving or attending to any other vehicle at the time."

130. Rule 192—insert the following sub-rule:—

"(*k*) A weighing device for the purpose of section 73 of the Act shall be tested as to its accuracy every six months by such person as may be appointed in this behalf by the Registering Authority. In the case where such device is installed and maintained by the Provincial Government, the date of the last test held under this sub-rule shall be exhibited on the device."

Rule 201.

133. Rule 201—delete the words "save in the case of a road-roller."

Rule 202.

134. Rule 202(*a*)—delete "by the District Magistrate" and substitute "by the Commissioner of Police, Calcutta, in the City of Calcutta including suburbs and elsewhere by the District Magistrate."

Rule 203.

135. Rule 203(*b*)—delete the present sub-rule and substitute the following:—

"(*b*) The Commissioner of Police in the City of Calcutta (including suburbs) by notification in the official gazette and by erection of suitable notices in English and in the local script, and elsewhere the District Magistrate by notification in a local newspaper of standing and also by the erection of such notices, may prohibit the use, within such areas or in such places, as may be specified in the notification or local newspapers, as the case may be, of lamps giving a powerful or intense light".

Rule 206.

136. Rule 206B—insert the following rule:—

"Until the 1st day of April, 1941, the provisions of sub-section (2) of section 72 of the Act shall not apply to those motor vehicles which were registered on or before the 1st day of April, 1940."

6th Schedule.

137. 6th Schedule—in the first column substitute "or" for "and" in the authority specified in item 1.

9th Schedule.

138. Rule 193—delete "the district of Darjeeling" from the 9th Schedule.

Form.

140. In Form P.Co.S.A. for the reference "see Rule 76(*a*) (*iv*)" substitute "see Rule 67(*a*) (*iv*)."

141. In Form P.St.P., Part A, item 20 and in Form P.St.S., Part A, item 15, for "Rule 71" substitute "Rule 71A."

The rules be numbered serially and republished.

Sir, may I just make a statement. I would like to inform the House that the Conference met and we had a number of sittings, I believe 11 in all, and the subject was gone into in details and thoroughly thrashed out. I am very glad to state that we were able to arrive at a practically unanimous decision on all questions except one in which three members differed and one or two questions in which only member differed. Actually, as far as we look at it from the point of view of the leaders of the various parties who represented both the Houses at this Conference, it will be assumed that apart from one question, namely, of nomination, there was unanimous agreement on the questions that came up and the report was practically unanimous but for one. Sir, I would request this House to accept this Report of the Conference where the members had opportunity to examine this question in all its bearings and all its aspects, where, I am sure, every objection that could be raised was raised, and it was examined from all angles and then we came to a decision. I am sure, my colleagues who were members of that Conference will agree that there was a general attitude of give-and-take and we came to an understanding over the whole question. I believe, it will be impossible for this House to again go into the details and re-open the questions which have been jointly agreed upon. I would request the House, therefore, to accept the report and if there is any member who feels that there is anything that is *ultra vires*, I am prepared to give an undertaking to examine that question and if our legal advisers maintain that it is *ultra vires*, I am prepared to have it altered. But apart from the question of *ultra vires*, as far as the merits of the question are concerned, I would request the House to accept the recommendation of the Conference because they had opportunity to examine this question very thoroughly, and I doubt very much if it will be possible for this House to go into that question again in the same thorough manner in which it had been gone into. Apart from that, as that Conference was representative of the leaders of all parties or their deputy leaders represented the parties at that Conference, we may assume the concurrence of the parties as well. I may cite a precedence on this question. When we discussed the rules of the Legislative Assembly, then also the same spirit prevailed. We examined the question in all details, there was a spirit of give-and-take and we came to a unanimous agreement and the House very kindly accepted the recommendations of the Rules Committee. I do hope that that precedent will be followed in this also and the report of the Conference will be accepted.

Mr. SPEAKER: As there are certain amendments, could they be first considered by the Conference and thereafter placed before the House? If the Conference do not accept them, your position will be much simplified.

Dr. NALINAKSHA SANYAL: Sir, I do appreciate your anxiety for curtailing discussion here, but, I am afraid, the *via media* proposed by you will not meet the situation. As the Hon'ble Home Minister has already stated, certain decisions have been arrived at and the Conference which arrived at those decisions had in their own judgment exercised their discretion. They had not had before them the arguments of those others who now put forward the amendments. It is quite possible that in their judgment they found certain decisions necessary, but having heard the other side of the question, the House may also consider that some further change is necessary.

With regard to the Rules Committee's decision which the Hon'ble Minister has mentioned, may I remind him and the House that the procedure adopted there was quite different. The rules were placed and amendments were invited. Thereafter, when the amendments were received, the Rules Committee went into those amendments and came to a decision.

Mr. SPEAKER: That is what I am also suggesting.

Dr. NALINAKSHA SANYAL: But that Joint Conference is now *functus officio* and there is no Joint Committee now. The Committee immediately after the close of the last session, functioned more or less as an informal Conference. The Committee was appointed to report within the last session and under the provisions of the Motor Vehicles Act, the Conference was to have reported within the session itself. We cannot possibly refer it to the same Committee now.

Mr. SPEAKER: If you want to have a discussion in the House, you will have it by all means.

There is just one thing to which I would like to draw the attention of the members of the House. In order to let the members know when the time-limit of their speeches would be reached, we have made this arrangement of two lights in the well of the House. Just two minutes before the close of the time, there will be a signal of green light and as soon as the time is up, that light will be switched off and the red light will be there and the speaker will stop.

Dr. NALINAKSHA SANYAL: May I enquire what procedure you propose to follow in regard to these amendments? I am as much anxious as the Hon'ble Home Minister to see that the discussion is not carried on in a desultory way or prolonged unnecessarily.

Mr. SPEAKER: You and Mr. Hashemy are the only members who have given notice of amendments. To-morrow is the time fixed for them and you are to finish them by to-morrow. I leave it entirely to you as to how you should proceed.

Dr. NALINAKSHA SANYAL: I suggest that instead of taking up the whole set of amendments as under one omnibus resolution, you or the Hon'ble Home Minister (I have confidence in both) might be pleased to group them under certain broad heads and seek discussions on those heads and then voting may be taken up separately on each item.

Mr. SPEAKER: Will you please tell me how many divisions we can make?

Dr. NALINAKSHA SANYAL: I think it will be best if we take up chapter by chapter. The chapters are self-explanatory. Some chapters relate to licence, others to maintenance, others to the conditions of permit issue and others regarding regional authorities, and so on.

Mr. SPEAKER: How many chapters are there?

Dr. NALINAKSHA SANYAL: There are six chapters.

Mr. SPEAKER: Very well. So far as Chapter I is concerned, you have got an amendment under Rule 6.

Dr. NALINAKSHA SANYAL: Yes. That is a very simple amendment, and I would not like to take much time of the House on it. Before I take up the entire series of amendments, I would like to have your indulgence to explain the general approach to all these amendments, so that friends in this House may be in a position to understand the attitude with which we have tabled these amendments.

Mr. SPEAKER: I am afraid you cannot do that, that is why I suggest that the best way would be for you to take one or two hours to explain to the whole house your point of view and then we can take the amendments one after another.

Dr. NALINAKSHA SANYAL: Now it is 5-38. We have only 7 minutes' time. After that you will take up another important matter. Therefore I want to take these few minutes' time to explain my point of view generally; otherwise, it may not be possible for the Hon'ble Home Minister to give his decision on these amendments specifically to-day. My proposal might be helpful for both of us.

Mr. SPEAKER: You can move all your amendments and explain why you want to move each of them?

Dr. NALINAKSHA SANYAL: I took the hint from you and that is why I propose to speak generally first.

Mr. SPEAKER: By all means you can do that.

Dr. NALINAKSHA SANYAL: I fully appreciate that Government was quite anxious to obtain the opinion of different sections of the House in connection with the amendment of these rules. I also do appreciate that a number of prominent members, leaders and deputy leaders of different parties, associated themselves with the Joint Conference and improved upon the rules as much as they could discover the necessity. But at the same time I did indicate on the last occasion and I want to re-assert it to-day, that while appreciating the good work done by the Joint Conference, I only want to draw the attention of this House to certain very important changes which would be necessary in the development of motor business and motor traffic in this province. The history of these Motor Vehicles Rules is a peculiar one. In 1933 a committee was appointed by the Government of India—rather two special officers were appointed—to enquire into the question of railroad competition. The report of these two special officers—the Mitchell-Kirkness Report—was published early that year. Thereafter towards the end of that year 1933, a conference, called the Railroad Conference, was summoned under the auspices of the Government of India. The proceedings of that Conference show that while the Government of India or their representatives were anxious to have certain restrictions placed on motor traffic development in different provinces in the interest of railways, which they were very anxious to secure, some representatives, Ministers of various Provincial Governments, thought that it would not be in the interest of the provinces to agree to all the suggestions of the Government of India in that connection. Thereafter certain recommendations were made to have some changes in the Motor Vehicles Act effected, and a comprehensive piece of legislation was undertaken. In connection with that legislation it was pointed out by several representatives of different provinces that in view of the fact that the provinces were more intimately and directly concerned with the development of motor traffic and roads, it would not be in the interest of the provinces to allow restrictions placed on motor development without proper scrutiny of such proposed checks. Thereafter, it was provided in the Motor Vehicles Act that such rules as may be framed by the Provincial Governments should be subject to scrutiny by the Provincial Legislature. The whole object thereof was that the Provincial Legislature, with the representatives of the people of the provinces therein, would have an opportunity of examining the various rules which were proposed by the Government and of finding out how far they were or they were not conducive to the most

important thing, namely, the development of motor business and motor traffic in the provinces. It was only with that object in view, namely, to secure unrestricted development of motor traffic and to secure maximum public convenience that I have proposed my amendments. In proposing such amendments I have also kept in view generally to what extent restrictions are called for in the interest of public safety. I have also to some extent examined the possibility of maintaining the interests of the railways, which, after all, are owned by the tax-payers of India. But in so examining the question, I have felt, and I hope everyone of the House feels, that so far as this province is concerned, it is our interest, it is the interest of the public of Bengal, to secure maximum motor traffic and that is what I have mainly kept in view. I have, in the course of my amendments, further pointed out that our rules should be such that Bengali businessmen and Bengali motor drivers and motor conductors should have some opportunity of a little place in the sun, in the development of this business. A number of amendments have been given notice of by me. Some of these amendments have been scrutinised by members of our party including the representative on the Joint Conference, and these have been approved by him along with others. I only crave the indulgence of the Hon'ble Home Minister to permit me to place these views, so that apart from any party consideration he may examine whether there is any merit in such amendments and let me know whether he would still maintain that everything has been finished and no new knowledge could be provided nor any new judgment could be given.

With these general observations I propose to deal with each of these amendments one by one, and I would try to take these up to-morrow if there is no time to-day. But I will expect the Hon'ble the Home Minister to give us the indulgence of examining each proposition separately.

Adjournment Motion.

Mr. SANTOSH KUMAR BASU: I beg to move that the business of the Assembly do stand adjourned to consider a definite matter of urgent public importance and of recent occurrence, namely, the action of the Government in arresting and detaining Mr. Subhas Chandra Bose without any charge or trial.

Sir, in the afternoon of the 2nd of July Mr. Subhas Chandra Bose was arrested at his residence in Calcutta. No reason was disclosed at the time, no warrant of arrest was shown to him; and people were left speculating as to the reasons which might have actuated the Calcutta Police or the Government of Bengal to take that extraordinary step. Mr. Subhas Chandra Bose was at that time engaged in a very important peace mission amongst eminent leaders of the different

communities in this country. He had started on a delicate mission, to bring about amity and concord, not only by word of mouth but by actual deed, in a spirit of accommodation, in a spirit of mutual give-and-take, imploring the communities to make sacrifices in the common cause in order to consolidate the position of the people of this country in view of the present state of affairs in this country and in the light of the international situation abroad. At this juncture the arrest of Mr. Subhas Chandra Bose without any reason, without any justification, came almost as a bolt from the blue. It was only a few days later when the Secretary of State for India was questioned in the House of Commons on the subject that the information was vouchsafed to us that his arrest was in connection with the movement for the removal of the Holwell Monument in Calcutta. It was also ascertained at the time that the provision of the law under which that step was taken was Rule 129 of the Rules framed under the Defence of India Act. Sir, on a reference to the elaborate provisions of that rule it appears that in that rule there is nothing which can be applicable to this particular case, unless by a stretch of imagination or by a straining of the language it is sought to be made applicable to the case of Mr. Subhas Chandra Bose. The rule runs thus:—"Any police officer not below the rank of head constable or any other officer of Government empowered in this behalf by a general or special order of the Central Government may arrest without warrant any person whom he reasonably suspects of having acted or acting or being about to act (*a*) with intent to assist any State at war with His Majesty or in a manner prejudicial to the public safety or to the efficient prosecution of the war." That is clause (*a*), sub-rule (*1*) of Rule 129. Clauses (*b*) and (*c*) have got no application whatsoever to the case of Mr. Subhas Chandra Bose unless the Hon'ble Home Minister in his superior wisdom deigns to vouchsafe some special reason to bring this case under any of the above sub-rules. I take it, Sir, for my present submission to this House that it would probably be contended that Mr. Subhas Chandra Bose was acting in a manner prejudicial to the public safety. If these words are sought to be applied to the movement for the removal of the Holwell Monument, a movement in which members of the different communities have taken a most intimate and enthusiastic part, then I should say that the Government of Bengal stands self-condemned. Sir, can it be suggested that this standing shame, this standing reproach, to the people of this country, this falsification of the essential facts of history which is embodied in this marble structure in the heart of Calcutta—can the movement to remove that Monument be considered to be a movement prejudicial to the public safety? In what manner,—I would ask the Hon'ble Home Minister—would he characterise such a movement as a movement prejudicial to the public safety? These young men who are going with hammer and tongs to make a demonstration

on the public roads by way of protest against the perpetuation of this myth, can they be said to be acting in a manner prejudicial to the public safety? That is what I am asking the Hon'ble Home Minister. I am aware that on the eve of Mr. Subhas Chandra Bose's arrest the Hon'ble Chief Minister made a public statement to the effect that as soon as this movement, or proposed movement, is abandoned Government will make up its mind as to what decision to take in this matter. Even then the Hon'ble the Chief Minister was not in a position to lay down the decision of the Government or give any indication whatsoever as to the line they were prepared to take with regard to this matter. Mr. Subhas Chandra Bose, in answer to that pronouncement of the Hon'ble Chief Minister, stated in a public statement that if even then Government were prepared to declare their intention of removing this Monument he would call off the movement which it was proposed to launch. That also was not found possible. In this connection, Sir, I may remind the House that some time ago, some months ago, on the floor of this House the Hon'ble Chief Minister promised the members of the Assembly that Government would come to a speedy decision on the question of the removal of the Holwell Monument. But, Sir, up till now no decision has yet been arrived at. Up to the point of Mr. Bose's arrest Government did not find the time or the inclination to arrive at a decision on that vital matter, a matter which has shocked the sense of decency alike of Hindus and Mussalmans in this province. Young men of Calcutta, Hindu and Mussalman, have joined their hearts together and have combined in a consolidated movement to attack this citadel of untruth. Sir, a new plea has been put forward—a convenient handle which the Government does not hesitate to use whenever such a situation arises. It is their dilatory method and their procrastination which have given rise to this movement. But the Government now come forward and say that if you abandon this movement it is only then that we shall consider what to do in this matter. I say, Sir, this is moving in a vicious circle, and they are themselves acting in a manner prejudicial to the public safety by delaying their decision from time to time. Sir, it was up to them to nip this movement in the bud by coming to a decision which would meet with the approbation of everybody and every community, Hindus, Mussalmans and Europeans. It is a matter of gratification that leading members of the European community such as the Lord Bishop of Calcutta and the Metropolitan of India, Mr. P. J. Griffiths and others have also urged upon the Government the necessity for the immediate removal of this monument in no uncertain terms, but even then the Government has slept over the whole issue and has allowed matters to drift so that the Satyagraha movement has been growing in proportion from day to day. There can be no mistake about the state of public feeling in this matter amongst Hindus and Mussalmans who are keenly alive to the insult

and humiliation that has been perpetuated in this Monument in Calcutta. Sir, the history which the Monument represents was written at a time when it was found necessary to serve the exigencies of the political condition in Bengal. It was necessary to propagate this lie so that for the purpose of propaganda a feeling might be created among the people of this country that they were trodden down under the iron heels of a cruel autocrat in the person of Shirajudowla. That was the feeling which was assiduously sought to be cultivated by those historians who were responsible for creating and propagating this myth. Sir, that history has got to be recast, has got to be rewritten in quite a new light in order that the true facts might be brought out. Now that the people of this country are wide awake, they are not going to tolerate this calumny against their own people. I call upon the Ministers who profess to be members of a responsible Government to assist the people of this province in wiping out this slur. I submit, Sir, that this is a matter which brooks no delay, and on behalf of the people whom I have the privilege of representing in this House, I would ask the Hon'ble the Home Minister to define the policy of Government here and now and not allow this movement to grow in the way it is doing. Sir, I am well aware that the Hon'ble the Chief Minister took up a line of conciliation in his statement. If he had not tacked that statement to the bureaucratic threat that unless the Satyagraha movement was called off, they were not going to arrive at a decision, I think, Sir, his words could have poured oil upon troubled waters. That is my belief even now, and I am anxious to stick to that belief. I do not know if the Hon'ble the Chief Minister has been overridden by any extraneous considerations. He knows that he enjoys the confidence of the youth of this country in a very large measure; and it is up to him to bring himself unison with the youth of this country and the thoughts that are surging in their hearts to-day. If that is done, I am sure that as if by a wave of the magic wand, he can bring the Satyagraha movement to a close. He can get Mr. Subhas Chandra Bose out of the prison house and find him leading a movement which will conduce to the growth of solidarity, to the growth of unity, of amity and harmony amongst the different communities in India so that his services may be an asset to this country in these critical times.

Mr. SURENDRA NATH BISWAS: Sir, in supporting the motion moved by my honourable friend Mr. Santosh Kumar Basu I would submit at the start that this action of Government is an addition to the many shameless acts of outraging the public opinion of this province that the Bengal Government have so far perpetrated. Sir, after all, Sri Subhas Chandra Bose was arrested for having been responsible for the movement to remove the Holwell Monument from where it stands to-day. In doing so, he simply voiced the opinion of the Hindus,

Muhammadans and Christians who live in this country. Sir, if this Government want to be called popular, which they profess to be, then they should have respected the public demand behind Mr. Subhas Chandra Bose's voice and removed the Holwell Monument and not have been responsible for bringing about the present situation by arresting him and many other public leaders as well as young men of this province. Sir, I am sorry to observe that this present Cabinet is not ashamed of doing any shameless act. Shame itself is ashamed of this shameless Government. Sir, of all questions that have come up to this House, this is the most important question—the question of meeting the joint demand of the Hindus and Muhammadans of this province. What could be the reasons of this present Cabinet for refusing to respect that demand, I should ask and I should pause for a reply from the Hon'ble the Chief Minister.

Sir, this demand is not of very recent origin. For the last two years in public meetings and through the Press, the public irrespective of creed or community have been making this demand. And the Hon'ble the Chief Minister, as Mr. S. K. Basu has pointed out, gave an assurance during the last session of this Assembly that he would very soon consider the question of removal of this monument. Subsequently, it was reported that the Hon'ble the Chief Minister had a meeting of the Coalition Party in last March and in that party meeting also, he assured the members of his party that he would very soon consider the question and solve the problem. After that many months passed but nothing was done. The Hon'ble Chief Minister was very often reminded by the public men of Bengal not only through speeches on public platforms, but also by written requisitions to the Government asking them to immediately remove the Holwell Monument. Still the Government would not move. Then by the middle of last June, a letter was addressed by the President of the Bengal Provincial Congress Committee to the Hon'ble the Chief Minister——

The Hon'ble Khwaja Sir NAZIMUDDIN: Which one?

Mr. SURENDRA NATH BISWAS: The letter which was published in the Press.

Mr. SANTOSH KUMAR BASU: Is that the reason which prevented the Government from taking action?

Mr. SURENDRA NATH BISWAS: The Hon'ble the Chief Minister did not dare to contradict the recent report about his receipt of that letter. On the eve of his arrest, Mr. Subhas Chandra Bose issued a statement:—"I have read the announcement made by the Hon'ble Chief Minister published on the 2nd July regarding the Holwell Monument.

The letter from the President of the Bengal Provincial Congress Committee was delivered to the Hon'ble Chief Minister at his office on the 18th June. The Government have had plenty of time to consider this question, but they have not chosen to take any action so far." The Hon'ble the Chief Minister has not dared to contradict this statement of Mr. Bose. Sir, I ask the Hon'ble Chief Minister why he did not take any step in this connection so long. Is there any member belonging to the Hindu or Muhammadan community in this House who does not want the removal of the Holwell Monument? Will any of the Ministers sitting there, thinking perhaps that they are safe in their seats, dare to say that he is opposed to the removal of the Holwell Monument against the wishes of the public of this province? Sir, I hope that nobody will dare to say that. When that was the situation, why did not Government take proper steps to remove that monument so long? Sir, they did not do that. The Hon'ble the Chief Minister waited and waited. He duped the members of his party and defied the public; and when the ultimatum was given giving him enough time, he issued a statement through the Press that he would consider the matter in the early part of the present Assembly Session or latest by the end of this month. But if as I have already pointed out, his real intention was to remove the Holwell Monument, he should have issued a clear statement to that effect and told Mr. Bose that as the Government was going to remove the monument, he should not start the movement. He had not done so. I ask the Hon'ble the Chief Minister why he did not do so. I suppose he would make a statement to-night in this House probably assuring the members that he was going to consider this question very soon. He may also make a statement that he would remove the Holwell Monument after the Satyagraha movement was called off, but I ask why he did not care to say clearly that he would remove the monument before Mr. Subash Chandra Bose was arrested and Satyagraha was started. I shall desire an answer from the Hon'ble Chief Minister.

Sir, after all what is this monument? Everybody knows that it is a colossal hoax. But the Hon'ble the Chief Minister said during the last session of the Assembly in this House that he was glad that the monument was there, because he thought that the monument was an emblem of Siraj-ud-dowlla's victory. May I ask him, will he dare to inscribe those words in that monument and efface therefrom the words of the alleged tyrannical action of Siraj-ud-dowlla? I would admire him to keep that monument there and to inscribe thereon these words, namely, "It is the emblem of Siraj-ud-dowlla's victory," in place of the words insulting the fair name of the last independent ruler of Bengal and constituting a slur on the Indian nation as a whole.

Sir, I would not take much time of the House, because I feel that not only the Hindu and Muslim members of this House but also the British members are in favour of removal of this monument, and I hope

that the Hon'ble the Chief Minister will induce the Cabinet to take proper steps to remove the Holwell Monument—a monument of disgrace and slur on the Indian nation—at once and without further delay.

Sir, we find that this Cabinet is following the same bureaucratic policy of the old Government. The policy of the old Government was to do a thing after refusing to do it and sticking to the refusal for a long time. Probably, Government was thinking of the removal of this monument, but could not come to a decision as to how, and by saying what, it will remove this monument. It was reported, and probably rightly reported, as there has been no contradiction to the effect that the report was not correct, that Government was thinking of removing this monument on the ground of making better accommodation for traffic in that locality. Sir, we would have been glad if on that ground at least Government had removed the monument. The Cabinet was not desirous of obeying the command of the people, but was going to have recourse to a subterfuge means of removing the monument. But why did not they do that even so long? Instead of doing that, they have kept the matter waiting for a long time—resulting in what? Great resentment has been roused against this action of Government not only in Bengal but in many other provinces all over India by many public men, both Hindus and Muslims. I again say that if Government wants to call itself "popular Government," it should at least in respect of this issue show its attitude to respect the public demand, the public voice. If it does not act in that way, we shall be right to observe "Inconsistency! thy name is the present Government."

Sir, I need not take more time of the House. I hope every member in this House, both Hindu and Muslim, and also Christian, will support this motion and will ask Government to respect the public demand without further delay.

Mr. A. M. A. Zaman: মিঃ স্পীকার, স্যার, আজকে যে য়্যাডজর্ণমেণ্ট মোসন্ এসেছে সে সম্বন্ধে দুচারটে কথা না বোল্লে নিশ্চয়ই অন্যায় হবে। বাংলার বর্ত্তমান মন্ত্রীমণ্ডলী নিজেদের দাবি করেন, শুধু মুসলমান বোলেই নয় খাঁটি মুসলমান বোলে। (The Hon'ble Mr. A. K. FAZLUL HUQ: সকলেই? Then what about Sir Bijoy?) তাঁরা লেজ ধরা মুসলমান। মুসলমান রাজত্বে মুসলমানদের ধর্ম্ম মুসলমানের শিক্ষা সমাজ প্রভৃতি রক্ষা করার গরিমা বোধ তারা হামেসাই প্রচার কোরে বেড়ান। বিশেষতঃ Chief Minister এবং Home Minister মন্ত্রীমণ্ডলের মধ্যে এই যে প্রধান দুইজন মন্ত্রী আছেন তাঁরা যখন সুযোগ পান বোলে বেড়ান যে আমরা মুসলমান, এবং মুসলমানের স্বার্থ দেখবার জন্যই রয়েছি। এবং তাঁরা একথাও বোলে বেড়ান যে opposition এ যারা রয়েছে তারা কেউ মুসলমান ঠিক নয় সুতরাং মুসলমানের স্বার্থ তারা দেখতে পারে না। আমি প্রথমে জিজ্ঞাসা করি ঐ দুজন মন্ত্রীকে কোরাণ হাদিসের কোন জায়গায় লেখা রয়েছে যে মুসলমানের নামের এই রকম মিথ্যা কলঙ্ক সামে রেখে এই রকম আসনে বোসে থেকে মুসলমান বোলে নিজেকে দাবি কোরবে। না তাতে এই কথা লেখা আছে যে

মুসলমানের কর্তব্য সমস্ত কলঙ্কটুকু মুছে ফেলে দেওয়া ও যাতে না ছড়াইয়া পড়ে তার ব্যবস্থা করা। মন্ত্রী মহোদয় যদি সত্যই মুসলমান হন তবে এই রকম কলঙ্ককে মুছে ফেল্‌তে হবে। উঁরা বোলতে পারেন পূর্বের আমাদের হাতে ক্ষমতা ছিলো না কিন্তু আজ চার বৎসর ক্ষমতা পেয়েছেন। আমি জিজ্ঞাসা করি 1937এ বহরমপুরে যখন কনফারেন্স হোয়েছিলো, তখন Chief Minister সাহেব [illegible] কবরস্থান দেখে বোলেছিলেন—আমি প্রতিজ্ঞা কোরছি, আমি কল্‌কাতায় ফিরেই এর একটা ব্যবস্থা কোরবো। মুসলমান গোরস্থানকে অতি পবিত্র মনে করে, মান্য করে; সেখানে গেলে দীন দুনিয়ার বিষয় ভুলে' খোদার কথা ভাবে। কিন্তু আমি জিজ্ঞাসা কোরতে চাই ওঁর সেই গোরস্থানের সেই প্রতিজ্ঞাটা কোথায় গেছে ভেসে? তারপরে যখন মুস্‌লীম লীগ থেকে resolution হয়েছিলো—হলওয়েল মনুমেণ্টকে সরাতে হবে—তখনো ওঁরা বোলেছিলেন, আমরা যখন মুসলমান আমাদের প্রথম কর্ত্তব্য হোচেচ এই কলঙ্ক তুলে ফেলে দেওয়া। আমি আজ জিজ্ঞাসা কোরতে চাই কলঙ্ক তুলে ফেলে দেওয়া তো দূরের কথা যিনি জোর গলায় নিজেকে মুসলমান বোলে যে দাবি করেন সেই মুসলমান সে নয়, সে নাকি—

Mr. SPEAKER: Mr. Zaman you must not discuss here as to who is a Mussalman and who is not. I am afraid I shall have to stop you if you refer again to the action as a Hindu or Muslim action. Please discuss it as a member of the Bengal Legislative Assembly.

Mr. A. M. A. Zaman: তারপর গতবার যখন Assemblyতে এ সম্বন্ধে question উঠেছিলো, তখন Sir নাজিমুদ্দিন প্রথমে তো আশা দিয়েছিলেন যে সেটা তুলে ফেলবেন, কিন্তু শেষ মুহূর্ত্তে বোল্‌লেন, থোরে নিন এটা সি[illegible] জয়ের স্মৃতিচিহ্ন। আমি জিজ্ঞাসা কোরতে চাই এই রকম ভাবে দাঁড়িয়ে আমি যদি বলি এটা মন্ত্রীদ্বয়ের কলঙ্কের স্মৃতিচিহ্ন এবং এটা তাঁদেরই গৌরবের বিষয় তাহলে মিনিষ্টার মহোদয় কি বোলবেন! এবং স্যার নাজিমুদ্দিন রোড যে ঢাকায় হোয়েছে সেটার নাম change কোরে যদি আর একটা কিছু জুড়ে দেওয়া হয় অর্থাৎ পটুয়াখালির বিজয় তাহলে সে সম্বন্ধে উনি কি বোল্‌বেন? তারপরে আমি আর একটা কথা জিজ্ঞাসা কোরছি, এই বিষয়টা নিয়ে প্রথম আন্দোলন হবার পর থেকে তিন বছর চোলে গেছে তার মধ্যে তাঁরা কি সময় পান নাই এই হলওয়েল মনুমেণ্ট সম্বন্ধে ব্যবস্থা করবার? বহরমপুরের প্রতিজ্ঞা সেখান থেকে আসবার সঙ্গে সঙ্গেই মন থেকে টেনে তুলে ফেলে দেওয়া হোয়েছে। তারপরে এই সত্যাগ্রহ আরম্ভ হবার পূর্ব্বে যখন জানান হলো তখনও তারা বোল্লেন যে আমরা consider কোরবো। আমি জিজ্ঞাসা কোরতে চাই এ সম্বন্ধে একটা Conference কোরতে কতটা time লাগে? সুভাষ বাবুকে যেদিন arrest করা হয় সেদিন স্যার নাজিমুদ্দিনের ঢাকা চোলে যাবার কথা, কিন্তু তিনি ঢাকা গেলেন না সেদিন কলকাতায় থেকে গেলেন। তিনিও ভাবলেন আমি দেখবো আমার রাজত্বে কি সে কোরতে পারে? তারপর ১২টার সময় মিটিং বসে, দুটোর সময় সুভাষ বাবুকে arrest করা হয়। মুসলমানের কলঙ্ক একজন হিন্দু নেতা হোয়ে যখন ভেঙ্গে চুরমার করবার জন্য দৃঢ়প্রতিজ্ঞ হোলো তখন মুসলমানের হাতেই তাকে গ্রেপ্তার করা হোয়েছে।

আর শুধু তাঁকেই গ্রেপ্তার করা হয় নাই, তাঁর সঙ্গে সহকর্মী যারা রোয়েছেন তাদেরও গ্রেপ্তার কোরে কারাগারে নেওয়া হোয়েছে। আজ যে সকল ভলান্টিয়ার সেখানে যাচ্ছে তাদের গ্রেপ্তার করা হোচ্চে। অথচ এর মধ্যে তাঁরা time পান নাই সেটাকে সরাবার জন্য, ফজলুল হক সাহেব বোলেছিলেন, আমাকে কয়েকদিন time দাও আমি সব ব্যবস্থা কোরবো। কিন্তু মুসলমান studentরা প্রথম থেকেই তাঁকে 15th July পর্য্যন্ত time দিয়েছে কিন্তু আজ পর্য্যন্ত এ বিষয়ে কোন কিছু করার গরজ তো দেখ্‌ছি না। আমি আশা করি—Chief Minister হিসাবে ফজলুল হক সাহেব ঠিক জবাব দেবেন। ঢাকায় মুসলমান ছাত্ররা যখন ওঁর কাছে deputationএ গিয়েছিলো এবং এসম্বন্ধে ওঁকে অনুরোধ কোরেছিলো একটা ব্যবস্থা করবার জন্য তিনি তাদের বোলেছিলেন যেহেতু সুভাষচন্দ্র বোস সত্যাগ্রহ কোরেছে আমি পারবো না ওটা ভাঙ্গতে। কারণ, তাহলে তাঁর উপরই credit সব চোলে যাবে। আর সত্যাগ্রহ যদি বন্ধ হয় তাহলে credit ফজলুল হক সাহেব আর নাজিমুদ্দিন সাহেবের উপর যাবে। (The Hon'ble Mr. A. K. FAZLUL HUQ: It is absolutely false.) আমি বোলতে চাই credit যত তা মিনিষ্টাররা নিক ক্ষতি নাই যদি আসলে তাঁরা সেটা ভেঙ্গে ফেলে দেন। তারপর মুসলমান ছাত্ররা যখন বোল্লে creditএর কোন question নয়। এর ভিতর আমাদের দেশে হিন্দুমুসলমানের unityর চেষ্টা কোরছেন একমাত্র সুভাষবাবু। এ অবস্থায় তাঁকে arrest করার কোন যুক্তি নাই। Chief Minister সাহেব তখন তাদের বোলেছিলেন আজকে যদি গোরু জবাই করা হয়, তাহলে সুভাষবাবুই আগে লাঠি নিয়ে আস্‌বে। আমি জিজ্ঞাসা কোরবো Chief Minister খালি মুসলমানের Chief Minister না হিন্দুদেরও Minister? এই ধরণের ভাষা গোরু জবাইর কথা Ministerএর মুখ দিয়ে বার হওয়া উচিত ছিলো না।

The Hon'ble Mr. A. K. FAZLUL HUQ: The statement he is making is absolutely false. I cannot but object to it.

Mr. SPEAKER: Mr. Zaman, I am afraid you cannot bring in a subject which is contradicted by the Hon'ble the Chief Minister.

Mr. A. M. A. Zaman: তারপর আমি জিজ্ঞাসা কোরতে চাই সেখান থেকে আস্‌বার পরে ক্যাবিনেট্ মিটিং হোয়েছে। তারপর এখানে তাঁদের party meeting ও হোয়েছে কিন্তু তবু তাঁরা একটা কিছু সিদ্ধান্ত এ সম্বন্ধে গ্রহণ কোরতে পারলেন না। স্যার নাজিমুদ্দিন সাহেব ঢাকায় না যেয়ে আরো একদিন এখানে থেকে সুভাষ বাবুকে arrest করার জন্য time কোরতে পারেন অথচ একদিনের যতন time কোরতে পারেন না এটাকে ভাঙবার জন্য। যাদের জোরে ওঁরা এখানে রয়েছেন সেই বুরোক্রাসীরা বোল্‌ছেন ওটাকে ভেঙ্গে চুরমার করবার জন্য। তাঁদের লর্ড বিশপ বোলেছেন, তাঁদের "Statesman" খবরের কাগজ যা নাকি তাঁদের সর্ব্বস্ব (laughter) সেও বোলেছে ওটাকে ভেঙ্গে চুরমার কোরতে। তারপরেও কেন এটাকে যাঁরা নাকি মুসলমান বোলে দাবি করেন—

Mr. SPEAKER: I am afraid, if you go on like this I will disallow you to continue.

Mr. A. M. A. Zaman: যাঁরা people এর ভোটে এখানে এসেছেন, যাঁরা legislatureএর মেম্বর হিসাবে এখানে এসেছেন, যাঁরা মনে করেন আমরা মিনিষ্টার হোলেও জনসাধারণের প্রতিনিধি—তাঁরা কি এটার সম্বন্ধে একটা ব্যবস্থা করার জন্য এতটুকু সময় পান না? এইটুকু সাহসকি ওঁদের মনে আসে না? আপনারা সকলেই জানেন মাদ্রাজে নীল মূর্ত্তি সরিয়ে দিতে কদিন সময় লেগেছিলো? তাই আমার মনে হয়, বম্বে, বিহার কি অন্য কোন Province যদি হোতো তাহোলে এই কলঙ্ক এক মিনিটও এভাবে থাকতো না। যে কোন মুহূর্ত্তে এটাকে ভেঙ্গে চুরমার কোরতো তারপরে পরিষদে আসতো। তারপরে মুসলমান সমাজকে 'ধোঁকা দেবার জন্য বলা হোচ্চে যেহেতু সুভাষবাবু সত্যাগ্রহ কোরেছে—, হিন্দু হিসাবে সুভাষবাবু এখানে কিছু করেন নাই, এবং তিনি একাও সত্যাগ্রহ করেন নাই, তাঁর সঙ্গে সঙ্গে আরো অনেকে কোরেছে। এবং যেহেতু বাংলার শেষ স্বাধীন নবাবের নামে যে মিথ্যা কলঙ্ক যা নাকি বহু দিন পূর্ব্বেই মিথ্যা বোলে প্রমাণিত হোয়েছে সেইটাকে দূর করার জন্যই তারা সত্যাগ্রহ কোরেছে। কিন্তু সেই মিথ্যাকে বজায় রাখবার জন্য যাঁরা চেষ্টা কোরছেন আমার মনে হয়, পাব্লিকের কাছে তাঁদের কৈফিয়ৎ দিতে হবে এবং সে সময়ও এসেছে। আমি বলতে চাই আপনাদের মনের পরিবর্ত্তন করা দরকার। এখানে creditএর কোন questionই আসতে পারে না। Question আসবে কেবল এই নিয়ে যে বাঙালী তার এই কলঙ্ক ঢাকতে পারে কি পারে না। মন্ত্রীরা হয় আজ প্রমাণ করুন যে এটা সত্য জিনিষ নয়তো এটাকে ভেঙ্গে ফেলে দিন, এবং সে ক্ষমতা যদি না থাকে তাহলে যে গৌরবের আসনে তাঁরা বোসে আছেন সেখান থেকে বেরিয়ে আসা দরকার। যদি তাঁদের মধ্যে আত্মসম্মান বোলে কোন জিনিষ থাকে।

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I rise to support in a few words the adjournment motion that has been moved by my honourable friend, Mr. Santosh Kumar Basu, in his usual graceful style. Mr. Basu has characterised the story behind the Holwell Memorial Monument as a myth. Sir, it is something more than a myth. It is a deliberate lie, concocted on his return voyage to his country by Mr. Holwell. On board the sloop "Syren" he drew up the pen picture of the Black Hole Tragedy. It has been found by historical research time and again that the Holwell Monument is a column of untruth. I for one cannot understand therefore why the Government is taking so much time to come to a decision regarding the removal of the Holwell Monument.

Sir, I would simply place before the House the arguments—the historical arguments—that have been established by research to prove that the story of the Black Hole Tragedy perpetuated by the Holwell Monument is a lie. I would remind the House first of the absurd basis of the story that 146 persons could be confined in a room 18 feet by

14½ feet. In the next place, Sir, it has been stated by historians that Holwell himself did not, in the note that he read out after reaching England before the Select Committee on the 4th August, 1760, make a single mention of the Black Hole Tragedy. Not only that, even the Proceedings Book of the refugees at Falta does not make any mention of the Black Hole Tragedy. Then again, Clive and Watson did not make any mention of the Black Hole Tragedy in their letters written to Siraj-ud-dowlla subsequent to the event, nor does it find a place in the treaty of Alinagar. All these things taken together prove that the story of the Black Hole is an unmitigated lie. Again, Mr. Little so far back as in 1915 in an article in "Bengal Past and Present" proved that not only it was a lie but that Holwell himself was a first class liar—a liar of the blackest hue. Members interested in history are aware, I believe, that Holwell attempted another such black record against Nawab Mirjaffar. He took one lakh of rupees from Mirjaffar on his ascension to the throne and he returned the debt of gratitude by painting from his imagination certain massacres perpetrated by Nawab Mirjaffar. But even Clive, in his letter to the Board, declared that these massacre stories of Holwell had no foundation in fact at all. So it has been established that the Black Hole is a lie and the author of the Black Hole a liar. After all these historical researches and all these facts unearthed, I do not know why the Government of Bengal—the "popular" Government of Bengal as they say—find themselves in such a difficulty in coming to an early decision regarding the removal of the Holwell Monument. Not only that. Government have further announced that they are not only in difficulty in coming to a decision, but what is more, they are not going even to take any decision unless the Satyagraha movement is called off. But who is responsible for this movement? I say, it is the Government—the Government acting like an *agent provocateur*. Time and again this Government have been asked in this Assembly and outside to remove the Holwell Memorial, but the Government have postponed taking any decision in this matter, and by their dilatoriness have exasperated the people and have driven them to the Satyagraha movement. And now that the Satyagraha movement has been started, they come forward with the plea that unless the movement is called off, they cannot announce their decision. Why? Does the Holwell Monument become a monument of truth simply because the Satyagraha movement has been started against it at the instance of Mr. Subhas Chandra Bose? Does the Satyagraha movement become a বিদ্যাগুহ movement simply because Subhas Chandra Bose has come to be the author and inspirer of the movement for the demolition of a pillared lie? And do the present Government after all become the supporters of truth by postponing their decision as regards the removal of such an infamous lying monument? Sir, if the monument is a frozen lie, perpetuating a false reproach on the character of the people of Bengal, then the Government should be the first to come to a decision to remove the monument irrespective of the fact whether the

Satyagraha movement has been started or not. I would ask the Government to revise their attitude in this matter and come to a speedy decision in regard to the removal of the monument. And I think that will go to make this Government more popular than anything that they have hitherto done.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, I rise to support the adjournment motion moved by the honourable member, Mr. Santosh Kumar Basu. The arrest of Srijut Subhas Chandra Bose at this critical moment of our national and international situation, when he was striving to find a way out of the impasse that besets our path at the present moment, came indeed as a matter of deep surprise to the people of Bengal and to the whole of India. Sir, it is known that of late Srijut Subhas Chandra Bose has taken upon himself the task of bringing about unity between the Hindus and Muslims all over the country. Srijut Bose was one of those who have had the courage to say that if big leaders like Mahatma Gandhi and Mr. Jinnah failed to bring about Hindu-Muslim unity, that is no reason why at such a critical time others should remain with folded hands, helplessly looking on and doing nothing. He declared that efforts should be made in all directions and on all fronts and on every little concrete issue that came up to try and solve the Hindu-Muslim question. I should have thought that at such a time anyone who sincerely wishes to bring about a settlement of the Hindu-Muslim question would have wanted Srijut Subhas Chandra Bose to be out and to be out more energetically for trying to bring the problem to a solution. As a matter of fact, it is also known that for some time past the relation between the two communities had become less than satisfactory. It came to a point of bitterness so much so that nothing could be worse than it was at the present moment. It was owing to the active initiative of Srijut Subhas Chandra Bose that in a place like the Calcutta Corporation we found for the first time in the course of the last 10 years the Hindus and the Muslims shaking hands as citizens, as Indians, as Bengalis. Forces are not wanting which desire to divide the Hindus and Muslims. We have seen Hindus and Muslims coming together on other platforms but never to shake hands, rather to brandish their fisticuffs and fight with each other. It was due to the efforts of Srijut Bose that we have seen the dawning of a really new era, a new chapter in the history of the Calcutta Corporation that may be the beginning of greater things for bigger issues. Just at that time it came to us as a surprise when we heard that Srijut Subhas Chandra Bose was put under arrest. He was arrested on the 2nd of July under section 129 of the Defence of India Act. On the face of it action was taken against him by the Commissioner of Police under powers given to him by the Defence of India Act. The Government of

India did not take the responsibility nor did the Government of Bengal give their formal seal of approval to his arrest. The Government of Bengal have so far remained quiet, and it is time that they boldly came forward and stated that it was with their approval, with their knowledge, and at their instigation that the Commissioner of Police acted in abuse of his powers; or, it is for the Government of Bengal, if they take another view, to say that it was not with their approval and that they had ordered the Commissioner of Police not to use those powers without consulting the Ministry and the Government of Bengal. If the Commissioner of Police disobeyed, it was up to the Government of Bengal to remove that Commissioner of Police from his office. If the Government of Bengal thought that they were too weak to do that, they should have taken the people of Bengal into their confidence, they should have taken this House into their confidence. I can assure you, Sir, if the Government of Bengal adopted the latter course, they would get the solid support of all the people of Bengal. I hope that the Government of Bengal will be honest and give out the truth and we shall expect an elucidation on this point from the Hon'ble the Chief Minister and the Home Minister in the course of this debate. This House has a right to know whether the Government of Bengal advised by the present Ministry take the responsibility for arresting Srijut Subhas Chandra Bose and keeping him under detention without trial. These are some of the important issues that undoubtedly arise to-day in view of the circumstances under which Srijut Bose was arrested and more so because the arrest took place on the eve of a momentous day. The arrest took place on the eve of the memorial day of Nawab Siraj-ud-dowlla who was not only the last independent King of Bengal but the last martyr on the soil of free Bengal. Nawab Siraj-ud-dowlla was a young man of 21 or 22 years of age when he fell to the traitor's sword. It has already been explained how this monument of lies was erected. It has been proved amply beyond a shadow of doubt that no such thing as the Black Hole Tragedy ever took place. On the eve of the Plassey days without the permission of the Nawab and definitely against the laws of the land the English tried to build a fort. We know that under the Arms Act the Indians are debarred from keeping arms. If we have a knife of a size beyond the length prohibited by the Arms Act, we will fall under this Act and will have to pay the penalty for keeping it. The English had decided to build a fort in this city against the wishes of Nawab Siraj-ud-dowlla and against the laws of the land and consequently came in open warfare with him. As a result of that war the English had to demolish that fort. Immediately after the domlition of that fort the English sued for peace. They got peace, but the same evening they treacherously fell upon Nawab Siraj-ud-dowlla's tent and tried to murder him in a most cowardly fashion.. That is what happened in those days. After Nawab Siraj-ud-dowlla had graciously

released all those miscreants, one among them, Mr. Holwell, came forward and gave his first information report as to what took place, without any mention of the alleged Black Hole incident. The story of the Black Hole is a forged document, a piece of fabricated evidence such as is often adduced in the case of political prisoners. A month and a half after the so-called occurrence Mr. Holwell started saying that he forgot to tell one thing, a very dangerous thing—Black Hole Tragedy. This we learn from the actual records of the British. This we gather from the eighteenth century papers of the East India Company. After that we know that they were trying to keep the name of Siraj-ul-dowlla back from the people of Bengal by painting him in black colours. The real history of Siraj-ud-dowlla is inspiring the young men of Bengal. It is in the name and it is in the memory of that martyr, Nawab Siraj-ud-dowlla that young men are to-day trying to transcend the communal barriers which the English rulers have tried to create ever since they seized Bengal on the blood of young Siraj. They transcend all barriers, rise to a height of love and nobility of character and are coming forward as they never did before. The memory of Siraj goes on to unite these people in this lofty sentiment of theirs. This so-called Black Hole Tragedy never took place. But there is a Black Hole Tragedy even to-day that had taken place 183 years ago when Siraj fell and his memory remained buried in calumny at the hand of hired historians who are penmen of imperialism living on crumbs that fall from their master's table. They are like parasites following the imperialist shark and living on its excreta. The memory of Siraj had been put into this Black Hole of lies; the memory of Siraj had been put into this Black Hole of ignorance and the 3rd of July was the day for its resurrection, for doing honour to his memory, and opening up a new and bright chapter in the history of Bengal. The 3rd of July is the day when the last independent Nawab of Bengal fought and fell. When the traitor Mirjaffar treacherously stood aside, Siraj made a last appeal: Mirjaffar, take the throne, but fight for the freedom of Bengal, save Bengal, save the Bengalis and bring back freedom to the motherland. I shall follow you and fight under you as a common soldier. But, Sir, that last appeal still remains unfulfilled and the name of the martyr steeped in calumny and ignorance. We have heard atrocious stories of the Germans roasting Belgian babies and eating them for their breakfast in the last war. (Hear! hear!) Sir, is it any wonder that we have heard likewise unspeakably dirty slanders in the name of Siraj? No one should be surprised if after 183 years of darkness and ignorance, self-respect and remembrance of a bright chapter in the history of Bengal should come back to the minds of young Bengal. Truth cannot be eternally condemned by calumny. United Bengal and specially the youth observe this day as the Siraj Day and demand that this monument of lie should go. It should be demolished

and truth should come out. It was on the eve of that momentous declaration in assault against the outrageous Holwell Monument that Mr. Subhas Chandra Bose was put under arrest. The obvious inference is irresistible that with a view to prevent Mr. Subhas Chandra Bose from launching this movement, the Government of Bengal put him under arrest before he had committed any overt act. Why to-day there has not been framed any charge against Mr. Bose? Why is it that even to-day there has not been issued any communiqué from the Government of Bengal on the subject of his arrest? Will the Government instead of concealing its reasons take the House into their confidence and enlighten us as to the reasons for the arrest of Mr. Bose? The Ministry may take it that it was not a threat against the Government of Bengal when in a united voice the people of Bengal asked the Ministry to remove this monument. It was a word of command from their masters. If the Ministry do not respond to the will of the people, then they will have to be ready to put more and more of them under arrest. Young Muslim students have already voiced their protest for the removal of the Holwell Monument or else they will join Mr. Subhas Chandra Bose behind the prison bars from the 16th of July. Let the Ministers reply and give their reasons and let them either remove this monument of shame from Bengal or come forward to arrest more and more of the people, Hindus and Muslims, who have to-day come to their own and are resolved to redeem their lost heritage—freedom and honour of their homeland.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I would not have intervened in this debate but for certain remarks that have been made by Mr. Zaman. Mr. Zaman is one of those unfortunate Mussalmans who are densely ignorant of the sacred language in which are inscribed the holy scriptures, the books and treatises of the Islamic religion. I can therefore afford to treat with the contempt it deserves the remarks he has made regarding what is contained in the Holy Quran and Hadis.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is the Hon'ble Chief Minister entitled to cast such reflections on an honourable member of this House as to whether he knows the writings in the Holy Quran or not? At any rate you did not allow similar observations from this side of the House.

Mr. SPEAKER: As I was listening to the Hon'ble Chief Minister he was simply saying that Mr. Zaman had made certain remarks that he is ignorant about the writings in the Quran. There is nothing wrong in this and I consider that he is perfectly right in making these remarks.

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. Zaman has said that I met a deputation of students at Dacca and that in reply to them I said that we could not take any steps because in that case the credit would go to Mr. Subhas Chandra Bose. Mr. Zaman does not probably know what admiration and reverence we have all got for Mr. Subhas Chandra Bose. I declare, Sir, most unequivocally that we all of us regard Mr. Bose as one of the most lovable personalities in Bengal. But so far as I am concerned I never said anything of that sort regarding Mr. Bose. So far as the Bengal Government are concerned, we have been able to do so many creditable things, and our credit account has gone so high that we can afford some credit to somebody else for such a paltry thing as the removal of the Holwell Monument from where it now stands. The question is not one of being afraid. The question is of a fundamental character, namely, whether by yielding to an agitation to force the hands of Government we can really carry on the administration, because once we yield to an agitation of this kind there is no knowing to what extent we may have to go. Secondly, it is not correct that I told the boys at Dacca or anywhere else that so far as this monument is concerned I am not in favour of its removal because I am not in a position to see eye to eye with the Opposition or that I am afraid that by doing so I might be doing a hasty act. I do not know where my friend has got all these reports; but, I can say this, that all that I told the Muslim students at Dacca was what I said in my broadcast at Delhi, namely, that so long as the Satyagraha movement lasted we cannot take up the settlement of this question. Sir, the matter is indeed a very simple one. So far as the motion is concerned, I can frankly say that I share with Mr. Santosh Kumar Basu his grief at Mr. Subhas Chandra Bose being in custody at the present moment. I also agree that so far as the monument is concerned there is a feeling in the country that it should be immediately removed. I can tell the House that all that stands in the way of the removal of this monument is the movement that has been started at the present moment. Let that movement cease and we can then sit, particularly the parties that have been supporting the Government, and then decide what to do with regard to the Holwell Monument. But, Sir, I have made it abundantly clear in all the statements that I have made that so long as the Satyagraha movement lasts we cannot consent to any action whatsoever. Let the Satyagraha movement cease; let this House have confidence in us. If they do that and if in spite of that we do nothing within a reasonable time let them restart the Satyagraha movement if they like. Not that we have got any vendetta against Mr. Subash Chandra Bose. As I have said, we all love him, we admire him, we revere him and we would like to have the pleasure of having him in our midst again for political work at this critical juncture in the history of this country.

I may tell the House that on the 1st of July I had a long talk with Mr. Bose. I met him; I discussed various matters with him and he gave me the impression that if I made a statement on certain lines, he would withhold his Satyagraha movement. At about 1 a.m. in the morning, I came to know that he had certain objections to the statement which I was going to make and I modified my statement. But he could not give me a definite answer whether he would drop the Satyagraha movement or not. Next morning he telephoned me to say that he considered my statement to be unsatisfactory and that there was nothing left for him but to start the Satyagraha. The members of this Assembly will realise that it is not possible for Government to tolerate a movement like this at a time when perfect peace and tranquillity should prevail in order to enable Government to carry on and I believe every one interested in the welfare of the country will take measures for the defence of the country and for the successful termination of the war. This is not the time for internal quarrels. It is obvious that when we are fighting an external enemy we cannot afford to have internal dissensions and if the Defence of India Rules are to be utilized at any moment, it is on moments like this. To allow the Satyagraha movement to grow in proportion would be playing with fire, and it is for this reason that we could not but take the step that we did take against Mr. S. C. Bose. We did it most unwillingly; we did it with great grief and sorrow; and nothing would give us greater pleasure than to be in a position to bring him out and embrace him as a fellow-worker and give him the proper position which he deserves to have in the political activities of this country. I therefore appeal to my friends in this House to use all their influence with young men, who may after all be misguided, to give up Satyagraha. It will not lead anyone anywhere. If they are adamant and carry on this Satyagraha movement, I can tell them we will not also budge an inch. If they want a decision to be taken, we want to be sure that there is reappearance of peace and tranquillity in this province. If you want us to make a decision on such a momentous question, no good purpose will be served by hurling abuses against the Ministers or anybody and by going into the merits of the question. What is wanted is that an attempt should be made to bring about peace. Let the Satyagraha cease and everyone will find that within a reasonable time of the cessation of the Satyagraha movement, Government will come to a decision which I hope will be satisfactory to all concerned. More than this, Sir, I am not prepared to say at the present moment, but I think everyone will understand that so far as the Government of Bengal are concerned, they are not obstructive or unwilling to take any decision which will be acceptable to all; nor are the Government of Bengal in a mood to be perverse and unresponsive to the dictates of public opinion. But after all you must make it possible for Government to act, and I have stated several times that the simplest manner

in which you can help in arriving at a peaceful solution of the problem is by exerting all your influence with those boys to give up the Satyagraha movement and not to incite them by making inflammatory speeches as if the whole future of the country depends upon the removal of the Holwell Monument. I think, Sir, I have made the position of Government clear, but as the Hon'ble the Home Minister also would like to speak, I do not want to take up more time of the House.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Babu KSHETRA NATH SINGHA: Mr. Speaker, Sir, I rise to support the motion moved by my honourable friend, Mr. Basu. I would like to tell the House in what way we are concerned with the arrest of Mr. Subhas Chandra Bose. Sir, I speak with some reservation because we cannot speak properly as this Holwell Monument, the monument of disgrace to the Bengalees, to the Indians as a nation, is a permanent disgrace inflicted on the innocent and helpless people of India.

Sir, everybody—I think every Bengali—has gone through the story of the myth about the Holwell Monument and Black Hole Tragedy. Sir, they should have read history, and I submit that eminent historians like late Akshoy Kumar Moitra have proved to the hilt that this is a sheer and unmitigated myth—a myth fabricated by some interested persons for besmirching the fair name of Bengal and the Bengalees. This myth has been manufactured simply to cast a slur on the Bengalees and the Bengali-speaking peoples.

Sir, while on this subject I want to refer to some facts about the scheduled castes of Bengal. I speak with hesitation, because it is no denying that the scheduled castes of Bengal have been treated very shabbily inasmuch as they have been characterized as criminals and backward peoples, forgetful of the fact that this province was once ruled by the twelve Bhuiyans by soldiers who were all members of the scheduled castes. They were a very martial people and they defended this province against the onslaughts of many an invader. I make bold to say that these Namasudras, Rajbansis, Pods, Bagdis, etc., of to-day are able to stave off any attack against this province, and by an irony of fate they have been dubbed as non-martial. Sir, in Bengal great injustice has been done to the members of these communities.

Now, turning to the Holwell Monument I must say that this monument is a big monument of mischief, to the historicity of which a lie direct has been given by many a historian. Sir, here is an instance which goes to show how far such historical untruth can go like this hollowed Holwell Monument. It is a lamentable fact that one historian has stooped so low as to describe the Pods as a criminal people.

Yes, Sir, it is the monumental work of some foreigner and, shameful to say, it has been supported by one of our own countrymen of Bengal. How, Sir, can you say that these Pods are criminals? Can you show from prison reports that these Pods are more criminal than others? If they have violated the law in some cases or if they have been found to be at fault, it is because of their martial spirit. If they are backward and if they sometimes break the law it is because they have not been properly treated as regards education and their martial inclinations.

Sir, in North Bengal we the Rajbansis all along defended the independent kingdoms of Kamrup and Cooch Behar. We have done so from the time of the great Mahabharata down to the times of Joginitantra, then to the times of the Kings of Kamrup and Cooch Behar. During the last War we supported the British Government by sending our sons to the Bengali Battalion, and they constituted one-fourth of the total number. But this time our merit is not appreciated. Blame is placed on our shoulders and by implication on the shoulders of the whole Bengali nation, who are described as non-martial and incapable of defending their hearths and homes. Is it, Sir, to be said that this is true? It is not true. It is a libel on the people of Bengal. Lies have been heaped on them to make them appear as permanently unfit and lacking in martial spirit.

Turning once again, Sir, to the Holwell Monument, I might say that we have every sympathy with the movement for the removal of this monument. This Holwell Monument is no monument at all. If anybody goes there and reads the inscription and also visits the alleged site of the Black Hole which is said to have contained some 150 soldiers and civilians in confinement—and it is alleged that they were choked to death by suffocation—he will be convinced that the whole thing is a lie. Nobody, Sir, with a grain of common-sense in him will believe it. It is a shame, and it has been proved so by members of every community—Europeans, Christians, Muslims and Hindus. Everybody agrees, Sir, that it must be removed at once from its present site in Dalhousie Square to some suitable place. I am very glad that the Hon'ble the Chief Minister has very kindly consented to its removal, but he has qualified it with some "buts," viz., that the Satyagraha movement must be stopped first and unconditionally. If the Hon'ble Minister is alive to the situation he should at once have it removed to some unknown and obscure place or demolish it or destroy it. He can at least have it removed to some obscure corner on the Lower Circular Road or in Park Circus near his home. (Laughter.) That would be the proper place and not Dalhousie Square.

Mr. SPEAKER: What about removing it to Rangpur? (Loud laughter.)

Babu KSHETRA NATH SINGHA: Sir, it is a very lamentable thing that people should decry the whole Bengali nation as a non-martial race. It is a gross libel. If you want to kill a dog, do it by all means; but for goodness' sake don't give it a bad name and then hang it. I would appeal to Government not to continue the practice of casting slur on the people of this fair land, who are trying to raise their status in the eyes of the world by making this movement a success. I trust, Sir, that the Hon'ble Chief Minister and the Hon'ble Home Minister will carefully examine this united demand of the people of Bengal and do justice to this province—whether the Satyagraha movement is stopped or not. Satyagraha, Sir, is the result and not the cause. Sir, if you remove the ultimate aim of the Satyagraha movement, it will at once topple down by itself. When the British Empire is beset with difficulties, it is not the time to look to petty things and stand on ceremony. If you want to have the full sympathy of the Indians you cannot afford to brush aside lightly their sentiments, alleging that they are inspired by wrong and false ideals and ideas. In order that the bigger problem might be solved, it is up to you that you should try and solve this small problem. This problem must be solved in a dignified and proper manner.

Sir, not only is Bengal thinking over this matter—I mean the difficulties that confront the British Government at the present moment—but the whole of India is thinking likewise.

If you waste so much time over the removal of a few bricks and a little mortar, then how shall you tackle big and difficult problems?

It is the united demand of the people of Bengal of all races, castes, and creeds to scotch this scandalous lie. (Cries of "Question, question" from members of the European Group.) Oh, yes, you Europeans and Mr. Statesman (Laughter) and the Lord Bishop of Calcutta and Mr. Griffith are all agreed that this monument should be removed straightaway. It is no use crying "Question," when I am merely stating a patent fact. I would request the Government to rise to the occasion and remove this disgrace to Bengal and bring the people to be united to solve the greater problem of this country and keep intact and lead the Bengalees like a Bengalee nation as a whole.

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আমি আমার বন্ধু সন্তোষ কুমার বসু মহাশয় যে মুলতুবি প্রস্তাব উত্থাপন করিতেছেন তার সমর্থনে প্রথমে বোলতে চাই যে এই বাংলা দেশ থেকে বাঙালীর ভোটে যাঁরা নির্বাচিত হোয়ে—আমরা এখানে যারা উপস্থিত হোয়েছি—তাঁরা বিশেষ চিন্তা কোরে যদি দেখেন তা'হলে এই কথাই এসে উপস্থিত হয় যে আমাদের যদি সজ্জা থাকতো তা'হলে এই পরিষদে বসবার প্রথম দিনেই বাংলার বুক থেকে এই বাঙালী জাতির কলঙ্কস্বরূপ হলওয়েল মনুমেণ্টটা সর্বাগ্রে অপসারিত করা হোতো। (Mr. Speaker: মৌলবী সাহেব, প্রথমেই বড় জোরে আরম্ভ কোরলেন) আমি বোলতে চাই,—এ জোরেরই কথা, জোরেই বলা উচিত

যে জোর আছে তার চেয়েও শতগুণ বেশী জোরে বলা উচিত। এই বাঙালী জাতির কলঙ্ক এই বাংলার বুকে যে দিন প্রথম বসে পলাশীর ক্ষেত্রে,—সেদিন ইংরেজের বিরুদ্ধে মহা যুদ্ধ হোয়েছিল; সেদিন বাঙালী হিন্দুমুসলমান মিলিতভাবেই যুদ্ধ কোরেছিল,—তারা হিন্দু কিম্বা মুসলমান ভাবে যুদ্ধ করে নাই। বাংলার স্বাধীনতা রক্ষার জন্য, বাঙ্গালী জাতির মর্য্যাদা রক্ষা করবার জন্য তারা যুদ্ধ করেছিল। আজকে এই হলওয়েল মনুমেণ্টের বিরুদ্ধে যে যুদ্ধ চলছে, তাহা হিন্দু হিসাবেও চলছে নাই, মুসলমান হিসাবেও চলছে নাই, বাঙ্গালী জাতি হিসাবে চলছে। বাঙ্গালী জাতির বুকের উপর একশো, দেড়শো, কিম্বা পৌনে দুইশো বছর যে কলঙ্ক বোঝা চাপান রয়েছে সেটাকে অপসারণ করবার জন্যই এই সত্যাগ্রহ আরম্ভ করা হয়েছে। (A MEMBER FROM THE COALITION PARTY: Good, go on.)

আমি বলতে চাই বাংলা গভর্ণমেণ্ট তথা মন্ত্রী-মণ্ডলীর কার্য্যে এবং কথায়, আমার মনে পড়ছে যেন তাঁরা ঐ নীতি অবলম্বন করে আসছেন, যেমন ছেলের পেটে ক্ষুধা হলে কাঁদতে আরম্ভ করে তখন বুদ্ধিহীনা মা সোজা পথ ছেড়ে দিয়ে, যেমন বক্র পথে অগ্রসর হ'ন—সোজা পথ হচ্ছে ছেলের মুখে দুধ দিয়ে তাহাকে সান্ত্বনা করা, কিন্তু, মা করেন কি সে পথে না চোলে ভূতের ভয় দেখিয়ে তাকে ঘুমপাড়াতে চান,—তাকে ঘাড়েপিঠে করে, ঘুম পাড়াতে চান, মার ইচ্ছা প্রথমে ছেলে কান্না বন্ধ করুক তারপরে দুধ দিয়ে শান্ত করা হবে। আমাদের বাংলা গভর্ণমেণ্টর মন্ত্রীমণ্ডলীও এই নীতি অবলম্বন করেছেন। তোমরা আগে সত্যাগ্রহ পরিত্যাগ করো তারপরে তোমাদের দাবী সম্বন্ধে বিবেচনা করবো,—তোমরা আগে হাঙ্গার্ ষ্ট্রাইক্ প্রত্যাহার করো তারপরে তোমাদের দাবী সম্বন্ধে বিবেচনা করবো। এই যে নীতি তাঁরা অবলম্বন করেছেন এ অত্যন্ত লজ্জার বিষয়, দুঃখের বিষয়, কলঙ্কের কথা; এর চেয়ে কলঙ্কজনক ও গ্লানিকর আর কিছুই হতে পারে না। আজকে বাংলা দেশে বাঙ্গালী জাতি গৌরবান্বিত, বিশেষ করে,—দুঃখের সঙ্গে বলবো বাঙ্গালী মুসলমান জাতি গৌরবান্বিত কারণ, আজকে নাকি বাংলাদেশে মুসলমান রাজত্ব প্রতিষ্ঠিত হয়েছে। বাংলার মন্ত্রীত্বের গদিতে যাঁরা বসে আছেন তাঁদের মন্ত্রীত্ব যদি এক ঘণ্টার জন্য চলে যায় তাহলেই নাকি বাংলাদেশ থেকে মুসলমান রাজত্ব চলে যাবে। আমার বলতে লজ্জা হয়, দুঃখ হয়, পরিতাপ হয়—তাঁরা কি এক মিনিট্ চিন্তা করে দেখেন না আজকে যদি তাঁরা মন্ত্রীত্বের গদিতে না থাকেন, তাহলে বাংলাদেশ থেকে যদি মুসলমান রাজত্ব চলে যায়,—তবে, যেদিন বাংলা থেকে পলাশীর যুদ্ধক্ষেত্রে বাংলা, বিহার ও উড়িষ্যার স্বাধীন নবাব সিরাজদ্দৌলার রাজত্ব চলে গেছে, যেদিন বাঙ্গালীর স্বাধীনতা ভাগিরথীর অতলজলে ডুবে গেছে, সেই দিন কি প্রকৃত মুসলমান রাজত্ব চলে যায় নাই? আজকে কয়েকজন লোকের মন্ত্রীগিরী না থাকলেই বাংলাদেশ থেকে মুসলমান রাজত্ব চলে যাবার কথা ওঠে। এর চেয়ে লজ্জার বিষয়, কলঙ্কের বিষয়, গ্লানির বিষয় আর কিছু হতে পারে না। এই ভাবে ফাঁকি দিয়ে আর বেশীদিন চলবে না। আমি বিশ্বাস করি এবং আশা করি বাংলা গভর্ণমেণ্ট তথা বাংলার মন্ত্রীমণ্ডলী সহজ পথ ধরবেন, এই যে কলঙ্ক বাঙ্গালী জাতির বুকের উপর বিরাজ করছে এটা তাঁরা সরিয়ে নেবেন। যদি সরিয়ে দেন তাহলে তাঁরা চিরকাল বাঙ্গালী জাতির গৌরবের পাত্র হয়ে,

আদরের পাত্র হয়ে থাকবেন। আর যদি তাঁরা সেটা সরাতে সাহস না পান, তাহলে তাঁদের মাথা থেকে কলঙ্কের বোঝা নামবে না; এই ভেবে তাঁদের কার্য্য করা উচিৎ।

আমি খবরের কাগজে দেখেছি, অনেক জায়গায় সভা সমিতিতে, আজ বেশী দিনের কথা নয় অল্প দিনের ভিতর, নানা জায়গায় যেসব সভা সমিতি হচ্ছে, তাতে অনেকেই জোর গলায় বক্তৃতা করেছেন। এই পরিষদের কোয়ালিশনদলের কোন কোন মেম্বারও, জনসাধারণের মধ্যে বক্তৃতা দিয়ে বলেছেন যে, ১৫ই জুলাইর মধ্যে যদি বাংলার বুক থেকে হলওয়েল মনুমেণ্ট অপসারিত না হয়, তাহলে, আমি একজন এম্, এল্, এ, —আমিও সত্যাগ্রহে যোগদান করবো। আমি জিজ্ঞাসা করতে চাই, সভাপতি সাহেবের যোগে, তাঁদের জিজ্ঞাসা করতে চাই, সঙ্গে সঙ্গে মন্ত্রীমহোদয়দেরও জিজ্ঞাসা করতে চাই, তাঁদের কি দরদ্ রয়েছে এই মিথ্যা কলঙ্ককে স্থায়ী রাখবার জন্য? কেন বাংলার বুকের উপর এটাকে তাঁরা রাখতে চান, কেন এটা আজও অপসারিত হয় নাই। তাঁরা যে কারণ দিতে চান সেটা স্পষ্ট করে আমরা জানতে চাই,—তালিবালি কথা শুনতে চাই না। অতএব যদি কোন রহস্য থাকে সেটা উদঘাটন করে তাঁরা আমাদের জানিয়ে দিন। নইলে কিছু দিনের ভিতর এই কলঙ্ক তাঁদের দূর করতেই হবে, নতুবা, বাঙ্গালী জাতির কাছে তাঁদের অনেক লাঞ্ছনা, গঞ্জনা ভোগ করতে হবে—এ কথা জানিয়ে দিচ্ছি।

Mr. ABUL HASHIM: Sir, the historians with the help of documentary evidence have proved beyond every possibility of doubt that the story of the Black Hole Tragedy is a deliberate lie. As already said by some of our esteemed friends opposite, Mr. Holwell was one of the greatest liars amongst the historians who ever crawled under the sun. The removal of the Holwell Monument is therefore now a historical necessity. Sir, the Hon'ble Chief Minister honestly believes that the Holwell Monument can be taken as a monument of Nawab Siraj-ud-dowlla's conquest of Calcutta. Sir, I am sorry I cannot agree with him here. The British people were then not the rightful owners of the city of Calcutta. They were rebels and conspirators. Defeating or putting to disgrace a handful of conspirators and rebels cannot be taken as a conquest. Historians have proved this monument to be false with such satisfaction that this monument in effect does not stand here as a monument of the Black Hole Tragedy either. It is now a monument of lies. Sir, the removal of this monument is a holy cause, but I apprehend an unholy use of this holy cause is going to be made. With due respect to the sentiments of a section of our countrymen who worship Mr. Subhas Chandra Bose, I am unable to agree with the Hon'ble Chief Minister when he eulogising Mr. Bose raises him to the seventh heaven. Mr. Bose since his expulsion from Congress has been looking for an opportunity of starting a Satyagraha movement on an all-India basis as a challenge to Mr. Gandhi. Due to superior manœuvring and political genius of Mr. Gandhi and his followers he failed to get such an opportunity. Here he has got an opportunity of starting a movement on a provincial basis. With regard to the removal

of the Holwell Monument no section of the people of Bengal has any reasonable objection. This matter has been agitated for a long time and during the last session some of the members of the Coalition Party actually tabled a resolution for the removal of this monument. This matter was discussed and we got an assurance from the Ministry in May last that this monument would be removed within six months. Six months have not yet expired and the Government have hitherto expressed no intention to the contrary. They have never given any indication to the effect that they are adamant in not removing it. There is no earthly reason for doing so. It may be taken that the only section of the people who may possibly have any objection to the removal of this monument is the European, but as we find it now the Europeans also do not object to its removal. If that monument is a monument of lies, it is the monument of British lies and, therefore, it is all the more necessary for them to see that the monument is removed. I do not think there will be any difficulty whatsoever in removing this monument, but this cannot be allowed to be made an opportunity to spoil the boys of Bengal. I think Mr. Bose has made an utmost effort to do that, and has got great successes too, the only achievements of his political career.

Mr. SANTOSH KUMAR BASU: You are incapable of being spoiled.

Maulvi ABUL HASHIM: Yes, that is why I have not been spoiled. Mr. Santosh Kumar Basu may have great respect for his master, but everyone may not have the same respect for him.

Mr. SANTOSH KUMAR BASU: As you have for yourself.

Maulvi ABUL HASHIM: I have no doubt that Mr. Bose knowing fully well that Government have made a statement to the effect that the monument will be removed has started the Satyagraha movement just to use the monument as a spring-board for raising him in the public estimation. There is no doubt that Mr. Bose who was once the President of the All-India National Congress has lost much of his popularity——

Mr. ATUL KRISHNA GHOSH: On a point of order, Sir. Is this not personal reflection?

Mr. SPEAKER: I think, Mr. Hashim, you are going beyond your limit.

Maulvi ABUL HASHIM: The question is whether we are going to allow this unholy use of a holy cause. The Hon'ble the Chief Minister and his colleague the Home Minister are perfectly justified in declaring that they are not prepared to consider this question so long as this unholy war is not withdrawn. Seeing that for Nawab Siraj-ud-dowlla the Muslim students and the Muslim public have got a strong feeling, Mr. Bose has taken the opportunity to break the solidarity of the Muslims in Bengal. It is absolutely necessary, therefore, that this menace to public safety and public harmony should first be removed before removing the Holwell Monument.

Dr. NALINAKSHA SANYAL: I move that the question be now put.

Mr. SPEAKER: I am not prepared to accept it, because it is a very important matter. I would like to have the views of the European Group.

Mr. C. W. MILES: We have no desire to discuss the merits and demerits of the Holwell Monument. There has been a lot of time wasted and heat engendered which is quite unnecessary, but, in our opinion a very great principle has come under our notice and that is the support of law and order. Under the threat of the defiance of law and order, no Government has any alternative but to take strong steps. The arrest in our opinion was therefore entirely justified and, I think, I can say without any fear of contradiction that this group, whatever the Government is, will always be found on the side of the maintenance of law and order in this province.

Mr. ABDUR RAHMAN SIDDIQI: I do not wish to detain the House for more than a minute or two. After the categorical and sympathetic statement made by the Hon'ble the Chief Minister, may I, through you, Sir, appeal to the Hon'ble the Leader of the Opposition to use his great influence and his good offices to have the Satyagraha called off, because the Hon'ble the Chief Minister has told us categorically and very clearly that it is the Satyagraha that is standing between the Government and the removal of the Black Hole Monument and the release of Mr. Subhas Chandra Bose. I hope my appeal will reach the heart of the Leader of the Opposition because it has come out of my heart.

Mr. SANTOSH KUMAR BASU: I move that the question be now put.

Mr. SARAT CHANDRA BOSE: After the speech of the honourable member who has just sat down I feel it is necessary for me to say a

few words. From the moment the Hon'ble the Chief Minister made his speech I have been trying to consider its implication and on that matter I am free to confess that I have consulted important members of my party. Unfortunately there is no agreement regarding its implication on this side of the House. But if, as the honourable Mr. Siddiqi said, what the Chief Minister said and meant was this, that it is the Satyagraha movement which is standing in the way of the demolition of that outrageous monument, I would certainly consider it my duty to consider the position here and now; I would certainly consider it my duty not to delay matters for a single moment. May I therefore request the Chief Minister once again to let us know clearly and unequivocally what he meant by the concluding portion of his speech? I desire to make it clear that if what he meant to say was this, that it is the Satyagraha movement which is standing in the way of the removal of the Holwell Monument, I for one shall take it that the movement has served its purpose and nothing further need be done. But before I express my considered decision, rather before I come to a final decision in this matter, I would like to hear something more from the Chief Minister and if you, Mr. Speaker, will permit it I would be grateful.

Mr. C. W. MILES: On a point of order, Sir. Mr. Sarat Bose mentioned two words—(1) demolition, and (2) removal. Certain people have no objection to the removal, but I think that on behalf of this group I can say that there would be wholehearted antagonism to demolition.

The question that the House do now adjourn was then put and a division taken with the following result:—

AYES—78.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abul Fari, Mr. Md.
Ahmed Khan, Mr. Syed.
Aolmuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barma, Mr. Pusapjit.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Narendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Nihirendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Manirozzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.

Mukerjee, Mr. Tarak Nath, M. B. E.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nasimar Ali, Mr. Syed.
Pain, Mr. Sarada Prosanna.
Paul, Sir Hari Sankar.
Pramanik, Mr. Tarinicharan.
Ramiruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Babu Nagendra Nath.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Narendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—119.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafuli, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. G.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kiril Bhusan.
Eshar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Hymenshagh).
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Bomber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hirtzel, Mr. A. M. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Puna Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafaussai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasaruliah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.

Rasaur Rahman Khan, Mr.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Seetson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, O.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Graham.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhuri, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 78 and the Noes 119 the motion was lost.

Adjournment.

It being 7-55 p.m.

The House was adjourned till 4-45 p.m. on Tuesday, the 16th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 16th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 215 members.

STARRED QUESTIONS

(to which oral answers were given)

Abolition of Local Boards in Khulna district.

*19. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that in April last the district board of Khulna unanimously adopted a resolution recommending the abolition of the local boards of the said district; and

(*ii*) that a copy of the said resolution was duly forwarded to the Government for necessary action?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken in the matter?

(*c*) If no action has been taken, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. TAMIZUDDIN KHAN (on behalf of the Minister in charge of the Local Self-Government Department Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) By Government Notification No. 754 L. S.-G., dated the 24th June, 1940, published at page 1786 of Part I of the *Calcutta Gazette*, dated the 27th June, 1940, orders have been issued for the abolition of all local boards in the district of Khulna, with effect from the dates specified below against each:—

Sadar local board—2nd June, 1941.

Bagerhat local board—5th June, 1941.

Satkhira local board—6th June, 1941.

(*c*) Does not arise.

Flushing and drainage scheme for the Bongaon subdivision.

*20. **Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the Calcutta-Jessore Road and the Khulna section of the Eastern Bengal Railway passing close together right across the subdivision of Bongaon stand as stumbling blocks against free flow and outlet of excess waters especially during high floods and heavy rains; and

(*ii*) that it causes loss of crops and house properties of the locality?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srishchandra Nandy, of Cossimbazar): (*a*) (*i*) The congestion of drainage in this area is not caused by the Railway or the road embankments, but is due to the fact that the level of the *bil* lands is very low in comparison with the water levels in the Ichamati and the Betna rivers during the flood season. The provision of additional openings in these embankments would only help to aggravate similar congestion in the lower areas on the other side.

(*ii*) Yes. During high floods some damage may occur for reason just mentioned.

(*b*) I hope that when the contour survey now in progress is completed about December next, it will be possible to prepare a comprehensive flushing and drainage scheme for the whole of central Bengal including the Bongaon subdivision.

Overcrowding in Inter and Third class compartments in Dacca and Chittagong Mail trains.

*21. **Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware that almost always there is unusual rush of passengers in the Third and Inter class bogies of the Dacca and Chittagong Mail trains running between Goalundo and Sealdah?

(*b*) If so, is the Hon'ble Minister considering the desirability of taking steps to see—

(*i*) that sufficient number of third and inter class bogies are attached to the train in order to prevent this unusual rush of passengers;

(*ii*) that passengers in excess of the sitting accommodation are not carried in each bogie; and

(*iii*) that fans are provided in the third and inter class bogies of these trains?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) I have been assured by the Railway Administration that a recent check of passengers on these trains disclosed no overcrowding in the third class compartments. I understand that no reports of overcrowding in the intermediate class carriages have been received.

(*b*) Does not arise, but I have to observe that the provision of fans in third class and intermediate class compartments is a question of policy affecting the whole of India which is to be determined by the Central Government. I am informed that they have under consideration the question of providing fans in the intermediate class compartments of some important trains.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether he will consider the desirability of asking the Railway administration to submit for inspection a statement showing the number of tickets daily issued to third and inter class travellers during the year 1939?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think that that will be necessary. What I have stated is from the report of the Railway administration.

Mr. ATUL CHANDRA SEN: Is the Hon'ble Minister prepared to ask for a report to examine the position in detail?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: If the honourable member insists, I can do so, but I do not think that any useful purpose will be served thereby.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he has got any figures of the number of passengers in those trains?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Babu NAGENDRA NATH SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state when was the recent check made—on what date?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid it is not possible for me to give the date.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to ask the Railway administration to check the traffic during the time of rush?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I can do that.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is satisfied with the assurances only of the Railway administration?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is all that a Provincial Government can do in a matter like this.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he has himself travelled in the third or inter class in those trains?

Mr. SPEAKER: That question does not arise.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister take the trouble of personally satisfying himself whether the report of the Railway administration that there is no overcrowding in the third class is correct?

Mr. SPEAKER: Between two stations there may be overcrowding, but the Railway calculates from certain points of view. I personally remember taking this matter up about 10 years back. Though there may be overcrowding between two stations, the Railways will be able to satisfy you that in the long run it is less than the requisite number of passengers in the train.

Satkhira-Navaran Road.

*22. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the length of the Satkhira-Navaran Road under construction; and

(*ii*) when the construction of the said road was undertaken on the recommendation of the Road Board?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing, year by year, since the construction of the road was taken up—

(*i*) the details of the amount of money (1) sanctioned, and (2) spent, for the construction of the said road; and

(*ii*) the amount of work done (showing details, year by year)?

(*c*) Is the construction work in progress now?

(*d*) If so, will the Hon'ble Minister be pleased to state—

(*i*) how much of the work is yet to be done; and

(*ii*) the approximate time for completing the work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) The portion between Navaran and Ellishpur which is under construction is 11 miles.

(*ii*) Land acquisition and earthwork on the portion of the road between Navaran and Ellishpur in the district of Jessore was commenced in the cold weather of 1936-37.

(*b*) (*i*) A statement is laid on the table.

(*ii*) The information is not readily available and I am sure that the honourable member will agree that the time and labour involved would not justify its compilation.

(*c*) Yes.

(*d*) It is expected that the portion now under construction will be completed in 1942-43.

Consolidation of *jhama* metal has been completed except in the 11th mile. Stone metal is now being consolidated. After this has been done surface dressing with bitumen will remain to be done.

Statement referred to in the reply to clause (b)(i) of starred question No. 22, regarding the Satkhira-Navaran Road under construction.

Year.	Budget provision.	Actual expenditure.
	Rs.	Rs.
1936-37	50,000	31,536
1937-38	1,00,000	73,019
1938-39	1,50,000	1,58,896
1939-40	95,000	1,00,487
1940-41	50,000	7,872 (expenditure up to 15th June, 1940.)

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. I have not got any answer to the question I have put. The first question was concerning the length of the Satkhira-Navaran road under construction and my second question was when the construction of the said road was undertaken. The answers given are absolutely different. I did not want to know the distance between Navaran and Ellishpur. I wanted to know the full length of the Satkhira-Navaran road, which was recommended by the Road Board. May I put that question to the Hon'ble Minister now? Will the Hon'ble Minister be pleased to state the total length of the road called Satkhira-Navaran road recommended by the Road Board for construction?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe my honourable friend knows the mileage quite all right. The entire road was not sanctioned by the old Road Board at the start. The first section was sanctioned by that Board and the portion between Ellishpur and Satkhira was sanctioned by the new Board of Communications in November last. The total mileage I believe is about 28.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why there has been this unconscionable delay in completing this road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I would refer the honourable member to my reply to (*b*) (*i*), which will show that the delay occurred before 1937-38, and since we took over charge, the amount provided for has generally been exceeded.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether he knows that there is not an inch of Railway in Satkhira Division, and that this is the only road by which Satkhira can be approached from the headquarters of Khulna?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am aware that this is a very important road which will ultimately link up Satkhira with Navaran which is a Railway Station on the Eastern Bengal Railway.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

District Board of Rangpur.

10. Maulvi ABU HOSSAIN SARKAR: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) when the statutory period of the present District Board of Rangpur expired; and

(*ii*) when the order, if any, extending its term was passed?

(*b*) If the term has been extended, what are the reasons?

(*c*) When is the next election of the Board likely to be held?

(*d*) Has the number of members for the next Board been fixed?

(*e*) If so, what is the number?

(*f*) If the number has not yet been fixed, when is it likely to be fixed?

(*g*) Has the delimitation of the territorial constituencies been finished?

(*h*) If so, what was the principle followed in doing so?

(*i*) Has the voters' list been finally published?

The Hon'ble Mr. TAMIZUDDIN KHAN (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) The five-year term of the present Board expired on the 10th November, 1938.

(*ii*) The term of the present Board was not extended. But the existing members of the present Board continue in office by virtue of section 19A(*3*) of the Local Self-Government Act, 1885.

(*b*) Does not arise.

(*c*) The next election will be held after the constituencies for direct election to the District Board have been delimited by Government. Under the Rules, it will take at least six months to hold the election after the delimitation of constituencies.

(*d*) to (*f*) Government have decided to increase the number of members of the Rangpur District Board to 48.

(*g*) and (*h*) No. The honourable member is referred to the Circular Nos. 2133-37L.S.-G., dated the 12th August, 1937, and 57(5)-L.S.-G., dated the 20th January, 1939, which lay down the principles to be followed in the delimitation of constituencies for direct election to the district board. A copy each of the Circulars cited above is laid on the Library table.

(*i*) No.

Babu KSHETRANATH SINGHA: With reference to answers (*g*) and (*h*), will the Hon'ble Minister be pleased to state when the delimitation of constituencies will be finished when it is not finished in two years?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the Government have framed certain proposals, and the Divisional Commissioner has been asked to give his opinion on those proposals. The district board also will be consulted. On their opinion being received, Government will come to a final decision and then proceed to delimit the constituencies.

Mr. ATUL KRISHNA GHOSE: With reference to replies (*d*) to (*f*), will the Hon'ble Minister be pleased to enlighten us as to what was the previous number of members of the district board, and what was the reason for increasing that number?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think the previous number was 27.

Mr. ATUL KRISHNA GHOSE: What was the reason for increasing that number?

The Hon'ble Mr. TAMIZUDDIN KHAN: Local boards are going to be abolished and the number of members, wherever these local boards are going to be established, is going to be increased.

Mr. SHAHED ALI: In answer (*a*) (*i*) it has been stated that the five-year term of the present board expired on the 10th November, 1938, and in answer (*a*) (*ii*) the Hon'ble Minister has stated that the term of the present board was not extended. But the existing members

of the present board continue in office by virtue of section 19A (3) of the Local Self-Government Act, 1885. Will the Hon'ble Minister be pleased to state if there is any time-limit for sitting tight——

Mr. SPEAKER: It is not necessary to extend it, but it is so by virtue of the statutory provision.

Mr. SHAHED ALI: The Hon'ble Minister has stated that the five-year term of the present board expired on the 10th November, 1938. Up till now there has been no election, and he has stated: "The term of the present board was not extended. But the existing members of the present board continue in office by virtue of section 19A (3) of the Local Self-Government Act." Now my question is: What is the time-limit?

Mr. SPEAKER: That question does not arise. The statutory provision is clear.

Government Pleader and Public Prosecutor, Khulna.

11. Mr. ABDUL HAKEEM: (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state when the present Government Pleader and Public Prosecutor, Khulna, was due to retire?

(b) Has he been acting now on extension?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state when his term is likely to expire?

(d) Will the Hon'ble Minister be pleased to state when the Government propose to appoint his successor-in-office?

(e) Do the Government contemplate splitting up the combined post and appointing two candidates?

(f) Is it in the contemplation of Government to invite applications from intending candidates?

(g) If so, when?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) 1st April, 1936.

(b) Allowed to continue in his appointment till his successor is appointed.

(c) and (g) Do not arise.

(d) The matter has already been taken in hand.

(e) Yes.

(f) No.

Babu NAGENDRA NATH SEN: With reference to answer (*f*), will the Hon'ble Minister be pleased to state why is it not in the contemplation of Government to invite applications from intending candidates?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Government do not do it; it is the District Magistrate who does it.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Government have received any nominations from the District Magistrate?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Not yet.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reasons for granting such a long extension of five years to the Government Pleader and Public Prosecutor of Khulna?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The reason is administrative.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if it is a fact that there were recommendations by the Public Service Commissioners with respect to the filling up of these posts some time ago?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The Public Service Commission have got nothing to do with these appointments.

Raised platform for Suri Railway Station.

12. Dr. SARAT CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is only one raised platform at Suri railway station; and

(*ii*) that the absence of a raised platform in the above line causes inconvenience to the passengers, especially to the old, the invalid, ladies and children when they get down from, and up to, the train?

(*b*) If the answer to (*a*) is in the affirmative, what action does the Hon'ble Minister propose to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes.

(*ii*) I have been informed by the Railway Administration that trains arriving at Suri are usually received on the raised platform line. The Down rail level platform line is used only when trains are required to cross at this station. The inconvenience thus caused on such occasions is unavoidable.

(*b*) I understand that the question of providing a raised Down platform at Suri is one of many which will be considered by the Administration when financial conditions improve.

GOVERNMENT RESOLUTION.

The Bengal Motor Vehicles Rules, 1940.

Mr. SPEAKER: We shall now take up the Bengal Motor Vehicles Rules, 1940.

What do you intend to do,—Dr Sanyal?

Dr. NALINAKSHA SANYAL: Sir, as I promised you, I do not like to take much time of the House in dealing with each amendment one by one, but I would expect that, so far as the voting is concerned, the amendments should be treated separately. So far as discussion goes, I would try to group them under certain heads, so that I could dispose of a number of them together.

Mr. SPEAKER: I think, Dr. Sanyal, you will not mind if I were to give a short summary of all your amendments. By this I can explain in a nut-shell what exactly your amendments are.

Dr. NALINAKSHA SANYAL: I have also got marginal notes, Sir.

Mr. SPEAKER: That is all right. I shall be very brief and won't take more than 5 or 6 minutes.

The first amendment of Dr. Sanyal proposes that "Licensing authority" should be changed to "Regional authority." The second amendment relates to vernacular proficiency for applicants with outside licence. The third amendment wants a third schedule test as alternative to motor training certificate. By his next amendment, which is of a formal nature, he wants the appellate authority against non-registration to be the Chief Presidency Magistrate instead of the Commissioner of Police.

Dr. NALINAKSHA SANYAL: There, Sir, I have made a short-notice amendment.

Mr. SPEAKER: Yes, I have noted that. The next one is proposed by Mr. Hashemy, in which he proposes that registration fee for other vehicles should be Rs. 8 instead of Rs. 16. Again, in the next amendment Mr. Hashemy proposes that for "sixteen rupees" the words "two rupees" be substituted. The next amendment is as regards the suspension order appeal to the Chief Presidency Magistrate instead of to the Commissioner of Police. The next one requires that one nominee should be an expert out of four Government nominees on the Provincial Transport Authorities. The next one desires that the quorum should consist of six instead of four. By his next amendment Dr. Sanyal suggests that there should be nine Regional Transport Authorities instead of twenty-five. The next one proposes that Howrah and Calcutta should have elected representatives instead of nominated representatives. Then, he suggests that there should be one expert out of four Government nominees on the Regional Transport Authorities. The next two amendments suggest mere verbal changes. The first of them proposes different constitution for the Regional Transport Authorities, which is consequential to amendment No. 8; while the second one proposes to omit (*c*) regarding contract carriage permit. By the next amendment Mr. Hashemy proposes to reduce the permit fee of contract carriages from Rs. 10 to Rs. 2. Mr. Hashemy also wants that in Rule 71 (*c*) the words "contract carriage" be omitted. Then there are a certain number of amendments where he suggests that instead of a permit for return journey there should be a permit for through journey, so that a man if he has to go to more than one place, instead of two permits might have one permit. The next suggestion is that in these permits signature of other authority should be obtained. In the next amendment he proposes a new draft and then he suggests the addition of a few lines more or less of a formal nature. Then comes the important amendment in which he suggests the omission of Rules 74, (*c*) and (*g*), and again in the Joint Committee's draft he suggests certain verbal changes so that the meaning might be clear, viz., that the free-of-charge weight to be allowed to each passenger should be made clear, and also the deletion of the words "on particular occasions" from Rule 74 (*f*). Then he suggests the addition of certain new sub-clauses——

Dr. NALINAKSHA SANYAL: Sir, some of these amendments may not be moved.

Mr. SPEAKER: Yes, but may I know what are the amendments that you will not move?

Dr. NALINAKSHA SANYAL: We shall decide that later on.

Mr. SPEAKER: Well, Dr. Sanyal next suggests that there should be some reference to "domicile" in certain cases. In the next amendment he suggests "District Judge" in place of the Commissioner. One of his amendments wants that the words "fitted with a taxi-meter" should be added. Then he suggests deletion of some restrictions as regards "smoking" and "attendant". The next amendment relates to knowledge of custom and language of the province on the part of the conductors. Next he suggests that there should be maintenance of passengers' record as well as of accident records. Next he suggests that lamps should be lit only when the car is in motion. He further wants prohibition of radios working only when the car is in motion, and he insists that special permit should be given for radios for publicity purposes, and he wants the deletion of the speed-limit clause for non-pneumatic tyred vehicles. Then there are suggestions for exemption of the spring clause for heavy mahinery carrying vehicles and deletion of the speed governor clause Then there are certain amendments for safeguarding of special contract hire, and "eight hours" stationary rule instead of "six hours". Lastly, there is an amendment regarding Rule 198 (*b*) which is practically a verbal change, viz., "this rule" is to be specifically mentioned, *e.g.*, explosive or highly inflammable substance.

So practically it means that these are either verbal changes or improvement of the draft except certain substantial changes in the nature of a domicile or proficiency in vernacular and certain other matters.

Dr. NALINAKSHA SANYAL: Sir, I am thankful to you for having given a bird's eye view of the entire set of amendments proposed to be moved by me and by my esteemed friend, Mr. Jalaluddin Hashemy. I have already explained yesterday the purpose or rather the objective I kept before me in tabling these amendments. I can at once relieve the House by the statement that it is not my intention to move all the amendments because we had certain discussions later on and I have found out that it would be probably tiresome for the members to press each and every one of the amendments. I trust that if Government would find useful suggestions in some of the amendments already tabled, they may make use of such suggestions in their executive capacity. I would only take up the more fundamental and the more important amendments which I feel are very necessary for this House to know and very necessary in the public interest.

My first amendment that I would move is amendment No. 3, viz., that in Rule 6(*e*), line 6, after the word "to" the words "pass a test of proficiency in the Bengali language and" be inserted. I have

just added a short-notice amendment to the proposed amendment, namely, that instead of "vernacular language of the province," I have proposed "Bengali language"—to be more specific. This relates to the issue of licences. The rule, as it now stands, reads thus—"the authority to which application is made as aforesaid may, if it thinks fit, by notice in writing summon the applicant to appear before it at such time and place as the authority may appoint and may in the case of the holder of a licence issued outside the province, or in the case of an application under sub-rule (*c*) require the applicant to produce a certificate in motor driving from an approved school of motoring and to pass the test as set forth in the Third Schedule....."

That is the rule as it now stands, and under the present rule the authority that will permit the holder of a licence to drive public service vehicles in Calcutta or such other regions will only test the proficiency of the man in driving and find out if he has got a certificate from a school of motoring, but will not enquire whether he knows the Bengali language. I think, it will be very dangerous to permit people who do not speak or know the Bengali language but who come to this province from outside to straightaway go to drive motor cars in the city of Calcutta—not only in the city of Calcutta but also in places comprised within the Calcutta region. I submit that there should be some arrangements from the administrative point of view to test as to whether a particular man's knowledge of the Bengali language is sufficient as to enable him to find out the road signs written in Bengali and to see how far his driving may not endanger the public. I am not aggressively actuated by provincialism to bar out people of other provinces; but surely it is no crime to claim that people who drive motor cars in the city of Calcutta and in Bengal should have at least the little humble requirement of knowing the language of the province. That is all that I claim. I will not take up the time of the House on this point any more. Similarly, while on this, I may explain that in order to make my suggestion to fit in with the whole scheme, I have suggested certain other changes, more or less fundamental changes, but couched in a very inoffensive language, that are likely to give some protection to Bengalee drivers, Bengalee conductors and Bengalee owners of motor vehicles who would like to have permits in running public service vehicles.

I now move the other three amendments which are amendments Nos. 69, 74 and 94:—

that in Rule 76(*b*) after sub-rule (*r*) add the following sub-rule:—

"(*rr*) if it appears to the Regional Transport Authority that the grant of the permit would prejudicially affect the interests of suitable applicants domiciled in the province, when the applicant is a non-Bengali";

in Rule 81(*b*) proviso, line 3, after the word "who" add "is a domicile of this province or who";

in Rule 101 (*j*) (*i*), line 1, after "knowledge of the" add "Bengali language and of the".

69 and 74 relate to permits. I have only suggested there that in case a person who holds a permit is a Bengalee or the applicant is a Bengalee and if his interests are going to be adversely affected, no non-Bengalee owner of a bus or a taxi should have preference in the issue or renewal of a permit. That is why I suggested No. 69. 74 also is similarly worded. It relates to the replacement of a vehicle within a permit. When a vehicle has got to be replaced for a vehicle which has got a permit, the permit-issuing authority may not allow such replacements on certain grounds. I have only added one more ground, namely, that if it is going to adversely affect the interests of a Bengalee or a domicile in the province, this may not be renewed and replacement may not be granted. Amendment No. 94 is also very vital. It relates to the licence of conductors. As amendment No. 3 to Rule 6(*c*) relates to licence of drivers, amendment No. 94 relates to licence of conductors. There I have suggested that in Rule 101(*j*)(*i*), line 1, after "knowledge of the," be substituted "Bengali language." Of course, in the draft that has been circulated, it is proposed to substitute "custom and language of the province." Instead of that draft, I have sent another note, draft No. 145, suggesting this change.

Mr. SPEAKER: Have you given notice of that?

Dr. NALINAKSHA SANYAL: Yes, Sir. These were handed over to Secretary yesterday.

This is a mere verbal change. Instead of "language of the province," I wanted to make it more specific by stating "Bengali language." I hope, you will kindly permit that change.

I feel that at least so far as drivers and conductors are concerned, there should be a definite stipulation that these people must have a working knowledge of the language of the province, they must be at least sufficiently proficient in Bengali as to understand the talk of a passenger or to see what the signboard or poster indicates on a road with regard to direction about traffic. I have had complaints placed before me from the Association of Drivers and Conductors in the city of Calcutta which go to show how they have been treated by the influx of a large number of half-educated persons from other provinces and how they have been completely thrown out of employment. There are a very large number of Muslims amongst them as well as Hindus. They

have been in this business for more than 13 or 15 years and to-day they find themselves in a helpless position because of about 800 buses running in Calcutta the ownership of 90 per cent. has gone over to non-Bengalees. (Interruption from the European Group: Why was it so?) Because the non-Bengalis have managed somehow through methods fair or foul to oust the Bengali owners and I am prepared to prove that they were foul more than fair if anybody would care to examine and enquire into the facts. These buses have gone into non-Bengali hands because of foul methods used, and I am prepared to prove that. Now these eminent non-Bengali gentlemen who are owners of buses and taxis in Calcutta have a very clever method of putting their own kith and kin in the driving and conducting jobs, replacing the Bengalis without any mercy at all. As a result thereof no restriction about the hour of work, which is a provision of the Act, can possibly be maintained. No restriction about the payment of monthly wages is possible. You cannot see a single driver in Calcutta provided with regular employment, nor any employer of such drivers and conductors can show a roll of payment of monthly wages. These people are paid on daily system or by commission on whatever sum the bus earns in the day. As a result they have to rush for passengers and no amount of control by the police has been able to stop the nuisance of racing and crawling.

As regards the monthly system, those who are taking the tickets on monthly system, do not know that the income of the monthly ticket does not go to the benefit of the drivers and conductors. As a result a passenger who is the holder of a monthly ticket is always treated with scant respect when he goes in a bus. I am not going into details. I only want to draw the attention of the Hon'ble the Home Minister to the serious inconvenience caused by the absence of a very healthy clause that there must be a minimum requirement that whoever will drive a bus or a public service vehicle in the Calcutta region should know the Bengali language. Or if Sir Nazimuddin wants anything better than that I am prepared to accept a compromise, namely, knowledge of the language of the province. But I prefer "the Bengali language," because any other alternative would mean that people from other provinces would have preference. So I propose that the drivers and conductors should pass a test of the minimum knowledge or working knowledge of the Bengali language.

Now, Sir, I would deal with the amendments right up to No. 26 in one group. I will not move the amendment regarding the appellate authority (No. 17 and No. 23) although I feel that there can be reasonable grievances in the case of registration, and if the registration is not allowed by the registering authority there ought to have been some kind of judicial appellate authority. I do not like to take much time of the House.

Mr. SPEAKER: I think you will not move amendments Nos. 2 and

Dr. NALINAKSHA SANYAL: I do not propose to move them either. I will take up later on if you will permit me the Chapter on Registration.

Mr. SPEAKER: If "later on" remains within your time-limit. I think you had better finish the whole lot. I am prepared to give you time up to 6 o'clock.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it will be easier for me to reply to the amendments separately.

Mr. NIHARENDU DUTTA MAZUMDAR: May I offer, Mr. Speaker, an observation on Dr. Sanyal's amendment.

Mr. SPEAKER: Yes.

Mr. NIHARENDU DUTTA MAZUMDAR: On the amendment of Dr. Sanyal about the requirement of proficiency, I should like to say a few words. The working knowledge of the Bengali language in the case of bus drivers is certainly a very laudable principle to adopt, but there is one misgiving which naturally comes into one's mind as to the mode of operation of this rule if it is accepted or if it is given effect to. Because the objects which have prompted Dr. Sanyal to move this amendment may not be shared in their entire connotation, intents and purposes by the authorities who will be entrusted with the task of administering this law, and precisely that gives rise to some apprehensions and difficulties. I fear it may not become a means of starting a campaign for having a drive against bus-drivers and conductors from other provinces. They are men of very modest means and men from very humble ranks in that they are not wont to be given an opportunity of acquiring "proficiency" in their own languages, in the languages of their own province which they are accustomed to speak from their childhood. These people may become victims if this proposed legislation is administered in a manner which may not be quite consistent with the purpose for which this amendment is probably moved. I should therefore like to know from the Hon'ble the Home Minister whether in giving effect to these clauses sufficient opportunity would be given to those bus-drivers and conductors to learn the language, whether sufficient arrangements will be made, so that they may learn the language while continuing to earn their living. These people are not even given an opportunity to learn the languages of their own provinces. We know that even in Bengal a man from Eastern Bengal who has

sufficient literacy finds difficulty in making himself understood for a considerable period of time in Western Bengal. This is due to the variation of dialects from province to province and from district to district. More so in case of poor men from other provinces. That is one misgiving which may naturally arise. Therefore I wish merely to draw the attention of this House to this aspect of the question, because the very laudable principle adopted, but not administered properly, may lead to what might look like a vendetta or a sort of drive to oust those who happen to come from other provinces to earn their living in Bengal by honest labour. That in its turn may give rise to a vendetta against the Bengali-speaking people elsewhere. In Bengal, we know, it has been the misfortune of the province that the language of the land which should have been known by every administrator is not insisted upon in every sphere. We find that in the highest ranks of the Government not a few administrators have no knowledge of the Bengali language. I should like the adoption of the principle in this House itself that no member should sit in this House who has no working knowledge in Bengali, because without knowing Bengali and without understanding Bengali some of them vote upon motions without listening and without understanding what they are voting for! Not that I am opposed to the principle of Dr. Sanyal's amendment, I support it and on that basis I insist that this principle should be adopted and insisted on in the case of everybody. If we do not insist on the same principle in the case of our Ministers, why should we use it against the poor bus-drivers and conductors? Those who are highly placed, those who are privileged, those who have got better opportunities to learn the language do not care to do so. On the contrary a peculiar kind of haughtiness, negligence and a sort of superiority complex make them loathe the learning or speaking of the Bengali language. We have seen how Hon'ble Ministers in this House pretend and almost glory in their ignorance of the Bengali language——

Mr. SPEAKER: That is going too much beyond the point, Mr. Mazumdar.

Mr. NIHARENDU DUTTA MAZUMDAR: Well, Sir, if that is too much I would spare them this pain of an unpleasant truth and according to your ruling come back to the point. That is the position, Sir. All I can say in connection with these poor men working as bus-drivers and conductors is that most of these men have not a working knoweldge of the Bengali language because they are too poor to acquire even this rudimentary knowledge of the language now required. Therefore I place these considerations before the House to say that arrangements should be made for them to learn the language, but this also should be kept in view that sufficient opportunities should be given

to these poor classes of workers to learn the language without cost and while earning their living. I admit, Sir, that it may take a longer time in their case, but sufficient time should be given to them to do so. These are the considerations, Sir, which I should put before the House in connection with Dr. Sanyal's amendment insisting on the bus-drivers, conductors, etc., having a working knowledge of the language of the province.

As regards the other point, namely, the power of the Commissioner of Police, I whole-heartedly feel that the Hon'ble Home Minister on behalf of Government should accept it without the slightest hesitation and most readily because most flagrant abuses of power by the Commissioner of Police are made in cancelling at will the licences of the bus-drivers and conductors. This is well known to the Hon'ble Home Minister.

Mr. SPEAKER: Dr. Sanyal has not moved that amendment yet.

Mr. NIHARENDU DUTTA MAZUMDAR: But that will be moved shortly. Besides Dr. Sanyal also referred to that amendment.

Mr. SIBNATH BANERJEE: May I offer some observations on this amendment, Sir? Or shall I do so when I move my own amendments?

Mr. SPEAKER: That would be best.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Niharendu Dutta Mazumdar started off by placing his finger on the real objection to this resolution of Dr. Sanyal, but his great love for the Muslim Ministers led him astray for the time being, though all the same he could not help pointing out to the House the real objection to this amendment. We have got to remember that this is a province where I believe only 7 per cent. or 9 per cent. of the people are literate——

Mr. NIHARENDU DUTTA MAZUMDAR: Is that your last straw?

The Hon'ble Khwaja Sir NAZIMUDDIN: If you want a literacy test for drivers and conductors it means——

Mr. SASANKA SEKHAR SANYAL: Dr. Sanyal did not use the word "literacy test." He used the words "a working knowledge of the provincial language."

The Hon'ble Khwaja Sir NAZIMUDDIN: I have used the correct words. Dr. Sanyal said that these people must be able to read and write. Then it means that by a stroke of the pen you are practically debarring 93 per cent. of the population from this profession of bus drivers, etc. Then the question comes in of a "working knowledge." This word is so vague and so indefinite that it is almost impossible to lay down a uniform standard.

Mr. SARAT CHANDRA BOSE: It will be quite sufficient if their knowledge of the language happens to be the same as that of some of the Hon'ble Ministers!

The Hon'ble Khwaja Sir NAZIMUDDIN: As I say, Sir, it is impossible to lay down a uniform test and the danger of victimisation may be not only in the case of those who do not belong to Bengal but there may be others who may suffer from this victimisation. And what is more, it is in my opinion rather childish to suggest that persons who can oust the Bengalis by fair or foul means as represented by Dr. Sanyal from the bus business and public motor vehicles business will not be able to acquire a working knowledge of the vernacular to enable them to qualify for these jobs. If the working knowledge is to be of a very rudimentary character then, in the manner in which an illiterate Bengali can acquire that knowledge, in a similar manner also an illiterate non-Bengali can acquire that rough and ready knowledge equally easily, and to think that you will be able to keep non-Bengalis out of this business by means of this rule, will, I am afraid, not do any credit to one's intelligence.

Mr. SARAT CHANDRA BOSE: That is not our object.

The Hon'ble Khwaja Sir NAZIMUDDIN: If that is not the object, then I see no reason why it should be wanted because, to begin with, one thing which Dr. Sanyal has forgotten is that the traffic signals which are to be *read* are not going to be in *writing* at all. They are signs which any man without having any knowledge of the language can read; they are simply symbols which anybody who knows them can understand. So, for the purpose of driving a taxi or a bus, a knowledge of the provincial language is not necessary. But the greatest difficulty which I find is this, that if by this amendment you insist on a working knowledge, it would not be confined to a working knowledge only. It is our experience and it is usually the case, that those persons who are matriculates and graduates and others will always get preference over a poor man who has not had the advantage of going to a school and passing the Matriculation. These poor men who will have no other means of livelihood mostly belong to the servant class; and other people

who generally earn their livelihood by trying to obtain licences for driving buses and public motor vehicles—this class of people will be debarred and your men with a working knowledge of the language will not come forward in such substantial numbers as to keep the non-Bengalis out, but its only effect will be that that class of people who now earn their livelihood as bus-drivers and conductors will be kept out. It is for this reason that Government did not accept this suggestion which, I believe, was discussed at the Conference.

Rai HARENDRA NATH CHAUDHURI: Was it?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, I believe so. Is that now the only amendment, Sir?

Dr. NALINAKSHA SANYAL: Yes, for the present it is the only amendment. Others have not yet been moved.

The Hon'ble Khwaja Sir NAZIMUDDIN: Therefore, in view of the reasons I have given, I must request the mover of the amendment not to press his motion.

Then the following motions of Dr. Nalinaksha Sanyal—

that in Rule 6(*c*), line 6, after the word "to" the words "pass a test of proficiency in the vernacular language of the province and" be inserted;

that in Rule 76(*b*) after sub-rule (*v*) add the following sub-rule:—

"(*vi*) if it appears to the Regional Transport Authority that the grant of the permit would prejudicially affect the interests of suitable applicants domiciled in the province, when the applicant is a non-Bengalee";

in Rule 81(*b*), proviso, line 3, after the word "who" add "is a domicile of this province or who";

in Rule 101(*j*)(*i*), line 1, after "knowledge of the" add "Bengali language and of the"

were then put and lost.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I now pass on to the next set of amendments under Chapter IV relating to the control of transport vehicles, I mean amendments No. 27 and onwards. Under this group of amendments I have got two important sub-groups.

I would like for the sake of convenience to deal with these two sets separately. The first amendment which I move is amendment No. 34, viz.—

That in rule 61(*a*), line 2, substitute "nine" for "twenty-five" and in lines 3 and 4, substitute for "Fourth Schedule to these rules" the following:—

"Schedule given below:—

	Name of region.	Territorial extent.	Headquarters.
1.	Calcutta ..	Calcutta (including suburbs) and the districts of Howrah and 24-Parganas.	Office of the Deputy Commissioner of Police, Public Vehicles Department, Calcutta.
2.	Burdwan Division, East.	Districts of Burdwan, Hooghly and Birbhum.	Office of the Commissioner, Burdwan Division, Chinsurah.
3.	Burdwan Division, West.	Districts of Midnapore and Bankura.	Office of the District Magistrate, Midnapore.
4.	Presidency Division	Districts of Murshidabad, Nadia, Jessore and Khulna.	Office of the Commissioner, Presidency Division, Calcutta.
5.	Rajshahi Division, North.	Districts of Darjeeling, Jalpaiguri, Rangpore and Dinajpore.	Office of the Commissioner, Rajshahi Division, Jalpaiguri.
6.	Rajshahi Division, South.	Districts of Malda, Pabna, Rajshahi and Bogra.	Office of the District Magistrate, Rajshahi.
7.	Dacca Division, North.	Districts of Dacca and Mymensingh.	Office of the Commissioner, Dacca Division, Dacca.
8.	Dacca Division, South.	Districts of Faridpore and Bakarganj.	Office of District Magistrate, Barisal.
9.	Chittagong Division	Districts of Tippera, Noakhali and Chittagong.	Office of the Commissioner, Chittagong Division, Chittagong.

This relates to "Regions" and the constitution of regions, and I now move amendment No. 38 which is as follows and relates to the composition of the Regional Transport Authority under my scheme:—

That in Rule 61(*b*)(*2*), substitute the following for the whole subrule (*2*):—

"For other areas:—

(*i*) the Commissioner of the Division who shall be the Chairman;

(*ii*) all the District Magistrates of the districts comprised within the region;

(*iii*) the Executive Engineer or any other officer of the Communications and Works Department to be nominated by the Provincial Government;

(*iv*) all District Board Chairmen of the districts comprised within the region;

(*v*) not more than three representatives of the municipalities within the region, to be nominated by the Provincial Government;

(*vi*) an official in the service of the Provincial Government to be appointed by the Government as a member and also Secretary to the Authority."

No. 34 relates to the number and the regional areas under my scheme. Sir, as I explained yesterday, the whole object of the present set of rules following the Motor Vehicles Act of 1939 appears to me to be to impose some kind of restriction on road motor transport, in the interest of Railways, particularly on the public road service both for goods and for passengers. With that end in view the Government of India had certain model rules made out, and it was contemplated by the Government of India that the provinces would help that Government in restricting motor vehicles as much as possible in the interest of the Railways. I submitted yesterday that it would not be to the interests of the province to accede to this request and to oblige the Government of India against the interests of the province. It is suggested by Government that the whole province should be divided up into 25 regional areas corresponding to districts outside Calcutta, and for the Calcutta region only, Calcuta, Howrah and 24-Parganas are permitted to be lumped together. I submit that in the division of the province into suitable regions there should be no other consideration kept in view except free flow of traffic and convenience of the public in the motor traffic movement. The districts as you are all aware—I mean the administrative boundaries of the present districts—were conceived of nearly a century ago and these boundaries were never thought of on the basis of natural division of areas, but on other considerations, mostly on revenue collection considerations. We have found, and I believe members from every part of Bengal assembled here would bear me out, that the administrative boundaries of the districts do not in many cases coincide with the natural divisions of the land by rivers or otherwise, and in most cases traffic movements from important trade centres cut across boundaries of districts. That being the position my humble suggestion is that Bengal should be divided into such regions as could be devised on purely natural basis. We have for example in North Bengal the big river Ganges dividing Bengal into a well-marked North Bengal area. So also, rivers have helped in the division of two well-marked areas in East Bengal, namely, Dacca and Mymensingh, in one region and Faridpore and Barisal in another region. The Chittagong Division comes similarly under one natural division and I have grouped that under one region. In North

Bengal area again I have discovered that so far as the hill district of Darjeeling is concerned, and part of the hilly portions of the Jalpaiguri district the conditions of motor traffic are different, and therefore I am prepared to accept that Jalpaiguri and Darjeeling and along with that the adjoining districts of Dinajpore and Rangpur, these four districts should have separate considerations. I have therefore proposed in my regional areas two divisions in North Bengal, in East Bengal, Dacca and Mymensingh being taken together, Chittagong Division as a whole under one region, Bakarganj and Faridpore in one region and for the Presidency Division, excluding the area comprised within the Calcutta region, I have proposed one region comprising the districts of Nadia, Murshidabad, Jessore and Khulna. So far as Burdwan Division is concerned, again I have noticed that the river Damodar provides a natural boundary line as between Burdwan North and Burdwan Division South. Therefore I have proposed to lump together the four districts—Howrah is in the Calcutta region, and so I have kept it out, thus leaving only three instead of four districts—of Burdwan, Birbhum and Hooghly into one region and Midnapore and Bankura in another region. In so dividing Bengal into nine regions, I have kept mainly in view the natural boundaries and natural traffic divisions. I visualize that although at the present moment, we may not possess sufficient number of inter-district roads, following the new scheme which the Government of Bengal propose to pursue with zeal, we may soon have a number of inter-district roads, and we should now help in the development of inter-district traffic and in no way hinder it. There may be some argument put forward that longer and larger regions may stand in the way of development of smaller roads within a district. I submit that there need not be any fear on that account at all, because it is the longer lead which will make motor traffic economical, and it is through the help of the longer movements that shorter feeder movements will grow up. I could have multiplied instances to show how between two districts traffic moves at the present moment and there is prospect of very good amount of traffic in the near future, but I would not like to tire the House with such long list. I do feel that if we do not allow larger regions to develop inter-district traffic, it will not be to the best interests either of motor business or of the interests of the public generally. Consequential upon the smaller regions contemplated by the Government, we have to provide certain machinery for settling disputes as regards the issue of permits having validity in two or more regions. My submission is that if the regions themselves are kept large, there would not be any necessity of taking recourse to such cumbrous procedure of conferences and joint sittings. I may tell for the information of the House that considerations like these weighed very much with other provinces of India. In the North-West Frontier Province, there is only one region for the whole of the Province. The North-West

Frontier Province has found that the best way to check the tendency to put restricions upon motor traffic movement is to treat the whole Province as one region. The Government of India cannot force the Provincial Governments to parcel out the Province. So they have only one region for the whole Province. The Central Provinces are divided up into two regions only. Assam has got three regions. Bihar, our next-door neighbour, also has got only three regions. They have only one region for the entire North Bihar, one region for South Bihar excluding the coal areas, and one for the coal districts, so that Bihar also felt that they could facilitate traffic by restricting the number of regions and widening the areas. The Province of Bombay is divided into five regions; the Punjab is also divided into five regions. The United Provinces with 48 districts is divided into 10 regions; Orissa into 6 regions. Unfortunately Sind and Madras have accepted the suggestion of the Government of India, as the Bengal Government appears to have accepted, of having one region for every district. If out of twelve provinces of India, nine provinces have found it profitable and administrably possible to have a smaller number of regions with larger areas, surely it could not be argued by the Government that a very large number of regions in Bengal was called for for administrative or other reasons. I submit, Sir, Government have created undue barrier in traffic improvements by acceding to the proposal of one region for each district. As a consequence, Government had to accept another proposal, namely, that when one has to take out a taxi from Calcutta to Burdwan or from Calcutta to Jessore one has to pay the hire for both the journeys from Calcutta to Burdwan and back and from Calcutta to Jessore and back; otherwise one cannot engage a taxi at all. That is the unfortunate position that we are now put in. Surely, that does not improve the traffic of buses and taxis. It will only be in the interest of Railways. I ask the House most respectfully to consider the situation and if for any reason it is not possible to give immediate effect to these poroposals at least to have this assurance from Government that this will be the ultimate scientific viewpoint kept in view for any future reorganization. I do not want, Sir, to reopen the question at this stage. I do respect the decision arrived at in the Joint Conference of the two Houses. I would only beg of the Hon'ble Minister in charge to give us an idea as to what he feels about the future development of traffic and the future idea of constituting regions and regional authorities.

I would not like to take much time on amendment No. 38. That amendment is consequential upon the amendment on regional areas and regional authority so far as large areas are concerned. I propose there that there should be the District Board Chairman, District Magistrates, representatives of municipalities and an official in the service of Government to act as Secretary. I thought that it would be a simple and

workable proposition and in my opinion would be best for internal administration, because the District Magistrates and Chairmen, District Boards, would be represented in my scheme of regional authority. With these words, Sir, I place my views about the regional authority for the consideration of the House.

Sir, I beg also to move the amendments Nos. 35, 36 and 52, viz.—

That in Rule 61(*b*)(*i*)(*iv*), lines 2 and 3, substitute "elected by the Commissioners at a meeting" for "nominated by the Provincial Government."

That in Rule 61(*b*)(*i*)(*v*), lines 1 and 2, substitute "elected by the Councillors and Aldermen at a meeting" for "nominated by the Provincial Government."

That in Rule 71 as proposed by the Joint Conference, substitute the following for the last three lines of sub-rule (*b*) beginning from "a contract....." to "region", "a contract for through journey over two or more regions and on condition that the vehicle or vehicles shall not be offered for hire outside that region except for a journey back to the region of the original Transport Authority."

With regard to this set of amendments, I have tabled them assuming that Government's scheme is to be accepted by the House and I am only proceeding on that assumption—not giving up any of my arguments with regard to large regional areas. I find that in the Government proposal there are provisions that the representatives of the Calcutta Corporation and of the Howrah Municipality would be nominated by Government. I proposed in my amendments Nos. 35 and 36 that they should be elected by the Commissioners of the Municipality in the case of Howrah when the Chairman himself is not in a position to come and elected by the Councillors and Aldermen of the Calcutta Corporation when the Calcutta Corporation's representative has to be sent. I do not want to have any long argument on this, because it is self-evident that no self-respecting local body should be prepared to send their representatives on the basis contemplated in the rules by Government.

Sir, I do not want to move amendments Nos. 28, 30 and 37. This takes us right up to amendment No. 50, and I have no amendment to move right up to that stage. On amendment No. 51 proposed by Government, I submit, Sir, that this new rule is a drafting improvement on the old rule published. This Rule 71 relates to extension of area or validity of permits over two or more regions. As I have explained to you, Sir, if the regions are small, the regional authority will issue permits within the provisions of the Act. In case of emergencies only a particular authority may for a temporary period issue licences covering another adjoining area, but otherwise no regional authority can without the approval of the other adjoining regional

authorities permit any bus or taxi or lorry to be taken to the other authority and therefore when issuing permits they will either have to take counter-signature from the other authority or have to obtain joint licences as contemplated under Rule 71A. Under Rule 71 the first paragraph (*a*) relates to particular contract carriage permit, private carrier's permit and public carrier's permit. I shall now just give a brief idea of what these various classes of permits are. Under the rules, any public service vehicle will have to obtain a permit. There are two groups of permits, one group for passenger service vehicles which are known as public service vehicles and the other for goods vehicles. There are two kinds of goods vehicle, one for public in general, *i.e.*, for lorries which are used genrally, and the other private carrier's permit for lorries which belong to particular owners for particular trade. Rule 71(*a*) only relates to particular contract carriage private carriers' permit and public carrier's permit; Rule 71(*b*) relates to contract carriages. Now by "contract carriage" is meant any public passenger service carriage, either a bus or a taxi. A service carriage which carries passengers for hire without stopping between two points either for picking up passengers or dropping down passengers, that is called "contract carriage." Rule 71(*c*) as drafted by Government reads as follows: "Subject to the provisions of sub-rule (*b*), an original Transport Authority may issue a contract carriage permit with effect in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport Authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire outside that region."

I submit, Sir, that if it is incumbent on any intending passenger to pay for both sides when he wants to go only one way it would be impossible for him to engage a taxi or a bus under contract carriage system. He will be debarred from using this mode of transport completely. Therefore, I have proposed an amendment. By my amendment No. 52, I only want this change, namely, that instead of the last three or four lines where it is provided that a contract carriage can be engaged only on condition that a return journey commencing from the area of the original transport authority and again ending within that region, it should be—"a contract for through journey over two or more regions and on condition that the vehicle or vehicles shall not be offered for hire outside that region except for a journey back to the region of the original Transport Authority."

My idea is this. Having agreed to have a smaller region we must evolve a scheme by which no hardship may be caused to the public in freely moving from one district to another. Therefore I propose that if a vehicle—a taxi or a bus—belonging to one region is taken away

to another region, the only permissible hire that this taxi may offer would be to come back to its original region and not to ply within the other region concerned. I have only contemplated a case in which a man going from Calcutta to Jessore may book off the taxi there and the taxi may take a passenger from Jessore back to Calcutta, but cannot ply within the district of Jessore. I believe this is a very healthy compromise which the Hon'ble Minister in charge would be prepared to accept. It will not in any way create administrative difficulty because the taxi-owner will not be permitted to use the taxi within the region other than the original region, thereby having an effective check upon any piracy into other regions. He will only go back to the original region if he gets a hire; otherwise he will not be permitted to ply in that region at all. This may just open out the possibiilty of somebody taking a taxi for one-way journey either to Burdwan or to Jessore or to Ranaghat and leave it there, finish his business there in a day or two and come back by train or by any other mode of transport he can make use of.

I have an amendment—No. 55—in my name which I do not propose to move. Amendment No. 58 will be moved. I have so far come to Rule 71 and not reached 71A yet.

Mr. SPEAKER: For the time being, amendments Nos. 34, 35, 36, 38 and 52 have been moved.

Mr. C. MORGAN: Sir, with regard to amendment No. 34, while we have every sympathy for the points made by Dr. Sanyal and although a particular grouping of regions was advocated by us on two or three occasions, we came up against a great administrative difficulty in the size of these regions. I am not prepared to support Dr. Sanyal by voting for his amendment on one condition only, namely, that I want Government to give me an assurance that they will be prepared at a later date to consider the question of amalgamation of districts in cases where it is desirable on account of inter-district traffic or for other reasons.

With regard to what Dr. Sanyal said about smaller regions and the trouble of traffic between two regions, I am afraid that if his amendment is accepted, it will stultify the very object he has in view. If the regional authorities really come together and work in co-operation, then there is possibility of a solution of this difficulty, and I want an assurance from the Government that in cases where inter-district traffic becomes heavy, they will be prepared to examine the question of amalgamating certain districts. In some districts, traffic may pass by water and in others by road. So, I trust that the Hon'ble Minister will give us that assurance in which case I will vote against Dr. Sanyal's amendment nor would I vote in support of it because I know the difficulties that Government would be up against if they accept it.

Sir, is that the only amendment moved by Dr. Sanyal?

The Hon'ble Khwaja Sir NAZIMUDDIN: He moved up to amendment No. 56.

Mr. C. MORGAN: But Dr. Sanyal talked a great deal about 71A.

Dr. NALINAKSHA SANYAL: About 71 and not 71A.

Mr. C. MORGAN: About 71, I have nothing to say.

Dr. NALINAKSHA SANYAL: About 71(*b*), we would like to know your opinion whether in the case of a taxi going from Calcutta to Burdwan, you would like facilities to be provided for its return journey to Calcutta and not insist on the provision as it is now.

Mr. C. MORGAN: If I were the owner of the taxi, I would be very glad indeed to have the taxi a chance of getting a return fare. (Laughter.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, from this side of the House, I should like to explain the reasons why we have put forward the amendments moved by Dr. Sanyal. We think it is necessary at this moment to lay down or, at any rate, to give an indication of the ultimate policy that should govern a matter of this nature. On the question of ultimate policy, we are decidedly in favour of a division of this province into bigger regional areas along its natural or scientific boundaries. We believe that it will conduce to the greater development of motor transport and along with it the greater development of the province in the matter of marketing, in the matter of industries and other allied matters. At the same time, we entirely agree with the view which the Deputy Leader of my party Sj. Santosh Kumar Basu expressed at the Conference, that at the present moment we should give this scheme put forward by Government a trial. That view or, if you like it, the commitment made by Mr. Santosh Kumar Basu has also found favour with my party. I would also say and desire to make it clear that on the question of policy I do not demand that Government should lay down the ultimate policy immediately, but we do desire to draw the attention of Government to the ultimate policy which we feel ought to be followed in a matter of this nature. While I am entirely in agreement with the view expressed by our friend, Mr. Santosh Kumar Basu, regarding the scheme of dividing the province into 25 regional areas for the present for the purpose of developing district communications, we also feel that the attention of Government should always be drawn to or rather remain riveted on the larger question of the ultimate policy in a matter of this nature. I am practically in agreement with what our friend Mr. Morgan has said on this subject.

The Hon'ble Khwaja Sir NAZIMUDDIN: I will not take much time of the House. I will, first of all, explain why we are keen on having this scheme of 25 regional authorities and then speak about the assurance that has been demanded. This question has been very carefully examined and apart from the administrative convenience of having a district as a unit for regional authority, I personally have felt that the question of the development of district roads and communications between subdivisions and district headquarters was of very great importance at the present time. If you want to improve and get a better price for your agricultural produce, then it is necessary that the district roads should be developed, because you want the agricultural produce to be brought to the district headquarters from the remote corners of the district. If we have regional transport authorities from five or six districts, the chances are that these regional transport authorities will concentrate on the development of the inter-district roads on big projects and big schemes and not pay enough attention to the development of the roads in the district itself. The communication in some of the districts is deplorable. In some districts it is more convenient to go from the district headquarters to the capital of the province or even to the other important centres than to come to the district headquarters from the subdivisional headquarters.

Dr. NALINAKSHA SANYAL: You are thinking of road development and not of motor transport development.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is just the point. The motor transport development will follow the road development. You cannot have motor transport facilities unless the roads are developed. If that is not the case, then why is it that you cannot have motor traffic on the roads.

Dr. NALINAKSHA SANYAL: Because there is no road.

The Hon'ble Khwaja Sir NAZIMUDDIN: Because there is nobody who is anxious to come in for road development. It can be done provided the district authorities take an interest.

We have also taken into consideration the point as to how we can help the development of inter-district roads and we have made some provisions for that. I can assure the House that the whole thing is after all an experiment. We are working this thing and if either it is found that this system is causing an impediment in the development of the inter-district bus traffic, or it is found that this thing is cumbersome, I can assure that Government will take the earliest opportunity to revise their policy. There is no difference of opinion that it is very important that district communication should be developed, and if we find that our present scheme is not helping towards that development,

we shall certainly change over to any system that may bring about the desired result. As far as this is concerned, I hope the House will be satisfied with the assurance that has been given by me.

As regards amendments Nos. 35 and 36 I would like to point out that there was a mistake. The Conference had decided that the representatives of the Corporation should be elected by the Corporation. Unfortunately through mistake this was not incorporated. So I accept amendment No. 35. I also accept amendment No. 36 about Howrah.

Then as regards the last one about the contract service between the two points, I say that it is extremely debatable whether any bus-owner or taxi-owner will agree to go (say) from Calcutta to Burdwan, on the off-chance that he will be able to pick up a passenger on his back journey. Even if he gets a double fare, the chance of his getting a passenger is very remote. I do not think it is going to give any relief to the people who are going to hire a bus or a taxi. Even now you will find the driver saying what is the chance of his getting a passenger on his return journey—almost nil. So you must pay him the double fare.

If anything can be done, I am prepared to re-examine this question, because there is also the apprehension that it might be abused. If we are satisfied that we can avoid this abuse, I am prepared to reconsider this and make the necessary amendments.

Then as regards five or six districts in one region I find that one of the members of the Legislative Assembly already is complaining about our taking Howrah and Calcutta together. He has found great difficulty and he is insisting that Howrah should be separated from Calcutta. On the other hand, Calcutta taxi-owners are complaining against taking 24-Parganas with Calcutta, because the taxi-owners of the 24-Parganas have started plying here. All these difficulties, I am sure, once we can get this into working order will be easy to remove, because we will have then sufficient data to make the necessary amendments.

The following motions of Dr. Nalinaksha Sanyal that—

In Rule 61(*a*), line 2, substitute "nine" for "twenty-five," and in lines 3 and 4, substitute for "Fourth Schedule to these Rules" the following:—

"Schedule given below:—

Name of region.	Territorial extent.	Headquarters.
1. Calcutta ..	Calcutta (including suburbs) and the districts of Howrah and 24-Parganas.	Office of the Deputy Commissioner of Police, Public Vehicles Department, Calcutta.
2. Burdwan Division, East.	Districts of Burdwan, Hooghly and Birbhum.	Office of the Commissioner, Burdwan Division, Chinsurah.

	Name of region.	Territorial extent.	Headquarters.
3.	Burdwan Division, West.	Districts of Midnapore and Bankura.	Office of the District Magistrate, Midnapore.
4.	Presidency Division	Districts of Murshidabad, Nadia, Jessore and Khulna.	Office of the Commissioner, Presidency Division, Calcutta.
5.	Rajshahi Division, North.	Districts of Darjeeling, Jalpaiguri, Rangpore and Dinajpore.	Office of the Commissioner, Rajshahi Division, Jalpaiguri.
6.	Rajshahi Division, South.	Districts of Malda, Pabna, Rajshahi and Bogra.	Office of the District Magistrate, Rajshahi.
7.	Dacca Division, North.	Districts of Dacca and Mymensingh.	Office of the Commissioner, Dacca Division, Dacca.
8.	Dacca Division, South.	Districts of Faridpore and Bakarganj.	Office of District Magistrate, Barisal.
9.	Chittagong Division	Districts of Tippera, Noakhali and Chittagong.	Office of the Commissioner, Chittagong Division, Chittagong.

And in Rule 61(*b*)(*2*), substitute the following for the whole sub-rule (*2*):—

"For other areas:—

(*i*) the Commissioner of the Division who shall be the Chairman;

(*ii*) all the District Magistrates of the districts comprised within the region;

(*iii*) the Executive Engineer or any other officer of the Communications and Works Department to be nominated by the Provincial Government;

(*iv*) all District Board Chairmen of the districts comprised within the region;

(*v*) not more than three representatives of the municipalities within the region, to be nominated by the Provincial Government; and

(*vi*) an official in the service of the Provincial Government to be appointed by the Government as a member and also Secretary to the Authority"

were then put and lost.

The motion of Dr. Nalinaksha Sanyal that—

in Rule 71, as proposed by the Joint Conference, substitute the following for the last three lines of sub-rule (*b*) beginning from "a contract....." to "region," "a contract for through journey over two or more regions and on condition that the vehicle or vehicles shall not be offered for hire outside that region except for a journey back to the region of the original Transport Authority,"

was then put and lost.

Mr. SPEAKER: Amendments Nos. 35 and 36 have been accepted. I will put them later on together.

Dr. NALINAKSHA SANYAL: I beg to move the amendment No. 58 in connection with the new Rule 71A:—

That in Rule 71A, sub-rule (*a*), line 3, of the proposed new rule after the word "shall" add the following:—

"unless such a permit has already been countersigned by the Regional Transport Authority or Authorities concerned, other than the original Regional Transport Authority issuing the permit.".

This rule has been recommended by the Joint Conference in order to mitigate the difficulties that are likely to arise due to percelling of the province into a large number of small-sized regions, but the wording of this rule, as drafted by Government, makes it incumbent for every case of application for permit for a route extending over two or more regions to be disposed of by a Joint Conference. I believe, Sir Nazimuddin will agree with me that it could not have been contemplated that if two regions agree amongst themselves without reference to any process of Joint Conference that a particular route permit may be granted to an applicant, there must still be a reference to the Joint Conference. Therefore I have proposed a short amendment No. 58. The first paragraph of Rule 71A reads thus: "Subject to the provisions of section 63 of the Act an application for a stage carriage permit having validity in two or more regions within the province shall be considered at a Joint Conference of the Regional Transport Authorities concerned to be held periodically at such times, etc.," thereby implying that every case of application must go through the process of a Joint Conference.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I may say at once that I am prepared to accept this amendment.

Dr. NALINAKSHA SANYAL: In that case, Sir, I would not like to argue my point further.

Dr. NALINAKSHA SANYAL: Now, Sir, I move my amendment No. 60, which is as follows:—

In Rule 73, line 2, substitute "First" for "Fifth," and in line 4, substitute "double-decked body" for the words "seating accommodation for more than 25 passengers."

Mr. SPEAKER: Then you are not moving your amendment No. 57?

Dr. NALINAKSHA SANYAL: No, Sir. Amendment No. 60 relates to Rule 73 which limits the capacity of stage carriages. Rule 73 reads thus—"Save within areas specified in the Fifth Schedule to these Rules no stage carriage shall be used and no permit shall authorise the use of any stage carriage having seating accommodation for more than 25 passengers." The limitation on the basis of passenger seating arrangements appears to me to be entirely unscientific.

Mr. SPEAKER: This is only applicable to areas outside Calcutta.

Dr. NALINAKSHA SANYAL: If the idea of Government is that the roads in mufassal areas being comparatively narrower——(The Hon'ble Khwaja Sir NAZIMUDDIN: Rather, not so well made.) and not so well made—I accept Sir Nazimuddin's correction—it should be desirable not to permit very big public vehicles on such roads. But surely that kind of restriction cannot be contemplated under the restriction of seating capacity. The restriction that we would like to have under such circumstances would be on the basis of tonnage to protect the road surface and on the basis of size. I know, Sir, I remember——

Mr. SPEAKER: You know that no double-decker would be permitted to ply in the mufassal.

Dr. NALINAKSHA SANYAL: Yes, Sir, I know that and I do not want that to be permitted. I was just going to draw your attention to one thing, Sir, and that is to an interesting controversy that arose in England when I was there relating to an almost similar proposition. When the Railways obtained permission to run road motor services in Great Britain there was this question raised and various types or sizes were contemplated and there was a special committee of enquiry appointed. But ultimately it was discovered after a good deal of discussion that designing was changing so much from year to year and that new *char-a-bancs* services were being contemplated from time to time with improved designs that they could not limit the seating number in any of the restrictions that they would like to have. To-day we may have one type of bus, and one type of carriage which permits of a comfortable journey only for 20 passengers. But to-morrow within the same space and within space permissible under the safety limits provided for, some design might be made of a convenient and comfortable coach which might allow a little more accommodation than that. Then, Sir, I would leave it entirely to the restriction that we have in other clauses relating to the weight and size. If there is an

over-all size decided, and the weight permissible also is decided, then that should be enough. Why should we have this further artificial restriction on the number of passengers permitted to be carried?

Mr. C. MORGAN: Yes, it may so happen that there may be seating accommodation for 20 persons, but there may be standing accommodation for 30.

Dr. NALINAKSHA SANYAL: I quite agree with what Mr. Morgan has said. In addition to seating accommodation there may be standing accommodation as well, and more of standing accommodation than of seating. In fact, it may so happen that people would be permitted to go like bats hanging on the various projected things as sometimes it happens. Mr. Morgan has struck at a very interesting legal point. Probably there will be buses with seating arrangement for 20 persons only, but standing accommodation for 40. So I submit that the words "seating accommodation for more than 25 passengers" should be substituted by the words "double-decked body." I believe that that was the intention because it is now practically impossible to have under the present knowledge of designing, more than 25 persons in a bus unless it is a double-decked body. Now I leave this amendment at that.

Sir, I beg to move amendment No. 61, viz., that in Rule 74 for sub-rules (*c*) and (*g*) substitute the following:—

> "The Regional Transport Authority may specify in any permit the conditions subject to which certain classes of goods may be carried in a stage carriage or a contract carriage. When goods are carried in a stage carriage in addition to passengers the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger, and the access to the entrance to and exits from the vehicle required under Chapter V of these Rules shall be unobstructed."

Under Rule 74, sub-clauses (*c*) and (*g*) relate to the conditions under which goods may be carried in stage and contract carriages. I suggest that these two sub-rules (*c*) and (*g*) may conveniently be linked together under one rule as proposed in my amendment. I will not insist on this if the Hon'ble Minister in charge thinks that this is not an improvement upon what he has got in his own drafting, but I would respectfully submit that matters relating to the same subject should conveniently be put under one sub-rule and not split up under two, namely, (*c*) and (*g*)—not even under (*c*) and (*d*). Probably it would be convenient if these two are serially arranged later on in case the Hon'ble Minister's advisers find that there is anything in my argument. Therefore, I would not take much time over this.

I do not move No. 62 nor 64, but I do move No. 65. It is—

That in Rule 74(*f*), as proposed to be amended by the Joint Conference, lines 2-3, delete the words "on particular occasions."

This amendment supplements the proposed amendment of Rule 74(*f*) by the Joint Conference. I have only proposed a slight improvement in Rule 74(*f*) which reads thus—

"The Regional Transport Authority shall not authorise the use of a contract carriage for the carriage of goods save for special reasons *on particular occasions* and subject to conditions and restrictions to be specified on the permit."

As I have already said before, a contract carriage means both a bus as well as a taxi when the whole bus is reserved or when the whole taxi is reserved. Under the provisions of this sub-rule no one will be permitted to take any goods in such a contract carriage. An improvement has been effected on that by the Joint Conference whereby they have proposed that up to a limit of two maunds goods may be carried. Two maunds in a taxi may be fairly convenient. But two maunds limit for a bus when one reserves a bus would certainly not be a very convenient limit. There is an explanatory clause here where it is stated that this limitation does not extend to personal luggage but that it refers to general merchandise only. I therefore do not propose to move my amendment No. 62 proposing deletion of the sub-rule, but would like to say this much, which has suggested itself to me after examining the propositions very carefully, that the words "particular occasions" may be deleted. That is my amendment No. 65. If my amendment No. 65 is accepted, the Regional Authority may be in a position on special grounds and for special reasons to allow such carriage of goods. I would not like the additional limitation "on particular occasions" only. If the Regional Authority finds that the reasons are sufficiently weighty to permit a particular contract carriage to take goods of more than two maunds even on all occasions, that should be permitted. I hope the Hon'ble Minister will have no objection to accept this slight modification, namely, the deletion of the words "on particular occasions" in Rule 74(*f*).

Then, I beg to move my amendment No. 68, viz., that in the proposed amendment to Rule 75 (*a*), add the words "free of charge" after the last words "per passenger." This relates to Rule 75. Rule 75(*a*) states that not more than 20 lbs. of luggage and personal effects per passenger shall be carried in any stage carriage. I would like my friends from the rural areas to examine the position. Under this rule no one will be permitted to take with him luggage weighing more than 10 seers in a bus. I at least cannot conceive of any Bengalee family, Hindu or Mussalman, moving from one place to another either

for business or for pleasure trip not going with their minimum luggage of bedding and a trunk, and these would surely weigh more than 10 seers or even 15 seers, which has been now contemplated by the amendment proposed by the Joint Conference. I believe the Joint Conference thought that this would be the limit of free luggage carried.

As in the Railway there is a permissible free luggage carrying limit, probably the intention was that up to 10 seers luggage may be carried free by any passenger using a bus. For anything more than 10 seers he would have to pay. With that impression in mind I have moved my amendment No. 68 that in the proposed amendment to Rule 75(*a*) the words "free of charge" after the words "per passenger" be added. I hope Sir Nazimuddin will also see his way to accept this little modification. This clears up what the Joint Conference had probably in mind.

Mr. SPEAKER: Under the rule as it stands, does it mean that even if a man pays he cannot carry more than 10 seers?

Dr. NALINAKSHA SANYAL: The rule as it stands does mean that a passenger cannot carry any luggage weighing more than 10 seers even if he is prepared to pay.

Mr. SPEAKER: Even if there be a bus carrying only 5 passengers having accommodation for 25 passengers?

Dr. NALINAKSHA SANYAL: That is the impossible position I am drawing attention to. Probably the meaning is that a passenger won't be able to carry free of charge more than 10 seers so that the bus-owners might have some consideration. There is also another intention probably. It may be the idea that if at the very start the whole carrying capacity is filled up by the passengers starting, there may not be any possibility of others with luggages coming in later. The restriction of payment will keep that in check and also I might draw your attention, Sir, to sub-rule (*h*) of Rule 74 which restricts the total weight to be carried in the whole bus. I believe in the interests of safety that is enough, so that the bus may not be overloaded with luggage or overloaded with goods. There is a restriction on that already. Therefore, there need not be any further restriction that for each passenger more than 10 seers cannot be taken. If the carrying capacity of the bus permits, if there are, say, 20 passengers out of which 15 have no luggage, who are going for short journeys, and other five have two maunds each, surely the bus can comfortably carry this quantity without any danger to the traffic. I would not like that restriction to be placed so long as the man is prepared to pay for it.

The Hon'ble Khwaja Sir NAZIMUDDIN: How are you going to weigh it?

Dr. NALINAKSHA SANYAL: That question does not arise. There will be the same difficulty in respect of the existing limit of 10 seers. I would like to point out that it is as difficult to weigh 10 seers as two maunds. I think they would keep some hand-weighing machine.

Mr. SURENDRA NATH BISWAS: May I know whether the weight of the individual has been fixed?

The Hon'ble Khwaja Sir NAZIMUDDIN: You will score there!

Dr. NALINAKSHA SANYAL: Shall I stop there, Sir?

Mr. SPEAKER: Yes, that will be better.

Mr. NISHITHA NATH KUNDU: Sir, I want to say a few words in support of the amendment moved by Dr. Nalinaksha Sanyal to Rule 75 (*a*) regarding carrying of luggages up to 10 seers.

Mr. SPEAKER: Do you carry a load weighing more than that? (Laughter.)

Mr. NISHITHA NATH KUNDU: Sir, I want to say only a few words.

The buses that ply between Gauhati and Shillong have an arrangement to carry the luggages belonging to passengers in a separate bus. Now, it is well known that a passenger travelling by a bus must carry things which are essentially necessary for him. If you put a limit on that, the intending passenger travelling by a bus will be certainly put into difficulties. How will he then carry his luggage? There may be a rule putting a limitation regarding the carriage of free luggage and providing that the surplus must be paid for. We understand that the other companies may also arrange for separate bus for the carriage of luggage as the buses plying between Gauhati and Shillong do. So, in that case we can avoid the inconvenience that would be caused to the passengers travelling by a bus. Sir, I do not find therefore any difficulty in accepting the amendment of Dr. Sanyal.

It is from long experience the Railways have increased the free carrying weight for passengers for all classes. It was 15 seers before for the third class passengers, now it has been increased to 20 seers. Formerly, it was 30 seers for the second class passenger, and now it has been increased to 40 seers. It is the long experience of the Railways

that this sort of limitation should not be there in law for luggages, because it will cause immense difficulties and inconveniences to passengers. We should like to profit by the experience of the Railways and thus avoid these difficulties.

Mr. C. MORGAN: Sir, with regard to amendment No. 58 which Dr. Sanyal has enlarged upon, I must say—I think that the amendment has been moved by him—I mean the amendment to Rule 71A.

Mr. JOGESH CHANDRA GUPTA: The amendment has been accepted.

Mr. C. MORGAN: Still I want to say something about the rule. I am not in favour of the rule at all. I would much rather see that the procedure under section 44 (3) (*b*) of the Act remained as it is. Sir, there is a lot of difficult things in the resolution moved by the Hon'ble Minister. For instance, it is provided that the authorities concerned shall not meet in Joint Conference more than once in each of the period of three months of January to March, April to June, July to September and October to December, but there is no date given in those quarters. Now, I am afraid if they meet on the 1st of March then they cannot meet again till the next quarter. The result will be that a particular matter may not be dealt with. So, I think that it is not a good resolution.

The idea with regard to (*c*) is to avoid delay, but I consider that it will only be creating delay.

Next with regard to (*f*), which is a weak point, the Transport Authorities shall each have one vote. Now when there are two regions and they have one vote each and if one of them says "yes" and the other "no," they will have all the trouble of a Joint Conference. I would like to ask the Hon'ble Home Minister if he could not revise this Rule 71A and take out some of the curious anomalies.

Rai HARENDRA NATH CHAUDHURI: Why not omit it altogether?

Mr. C. MORGAN: Yes, that may be done.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I shall first deal with the point raised by Mr. Morgan. Rule 71A looks very complicated and difficult, but I can assure the honourable member (Mr. G. MORGAN: There is always that assurance!) that it is a perfectly good procedure by which we hope to be able to overcome the handicaps that are there in having so many Regional Authorities. I can assure him

that it will facilitate speedy disposal and avoid delay. Though it looks like creating delay, yet in the long run it is going to lead to quicker disposal of business.

Now, Sir, I have already stated that I have accepted amendment No. 58.

As far as double-deckers and all that are concerned, I think that the long speech delivered by Dr. Sanyal was not worth all the trouble and energy spent by him. The whole position is this. He himself says that the design is being changed. The only thing that we have to look to is accommodation. Twenty-five persons is the limit that you can have. The idea is to give the designers of buses and builders of coaches ample scope so that they may give more sitting accommodation and at the same time they may not suffer any loss on that account. (Mr. JOGESH CHANDRA GUPTA: What about hangers?) With regard to hanging accommodation, this rule is meant for the designers and builders of buses. If they can devise means by which people can stand, we have no objection, but we are interested in those who sit down.

As regards amendment No. 61, personally I see no advantage in it.

As regards amendment No. 65, against the advice received by us, as a concession, I am prepared to accept it.

I now come to amendment No. 68. I must confess that I am not at all happy about this amendment. I realise that 15 seers is not sufficient. I am prepared to accept the Railway standard for third class passengers, namely, 20 seers for the mufassal. That you can justify because that is a basis. The difficulty with which we are faced is that if we do not place any limit, one man may come in with a number of luggages and prevent others from getting in. That is why I do not like "free of charge." It may be said that our scales are not correct. That is why, Sir, I do not want to keep this "free of charge." Even if there is plenty of room, people may be prevented from getting into the buses. From that point of view I am not in favour of "free of charge."

Mr. JOGESH CHANDRA GUPTA: The Hon'ble Minister will be well advised to take time to consider this point.

Dr. NALINAKSHA SANYAL: Yes, he can speak after the prayer interval.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a question of increase——

Rai HARENDRA NATH CHAUDHURI: No. There is no limitation about the carriage; the limitation is only about the free allowance.

The Hon'ble Khwaja Sir NAZIMUDDIN: If that is the general opinion of the House, I will take it up at 7 p.m. and I will ask the leaders of the various parties whether they agree. I am afraid that it will create a lot of trouble if you have this "free of charge" business. However, I shall deal with it after the prayer interval.

This is all that has been moved. Dr. Sanyal has done very well; he has got 50 per cent. of what he wanted.

The motion of Dr. Nalinaksha Sanyal that in Rule 73, line 2, substitute "First" for "Fifth," and in line 4, substitute "double-decked body" for the words "seating accommodation for more than 25 passengers," was then put and lost.

The motion of Dr. Nalinaksha Sanyal, namely—"Substitute for sub-sections (*c*) and (*g*) of Rule 74 the following: 'The Regional Transport Authority may specify in any permit the conditions subject to which certain classes of goods may be carried in a stage carriage or a contract carriage. When goods are carried in a stage carriage in addition to passengers the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger, and the access to the entrance to and exits from the vehicle required under Chapter V of these Rules shall be unobstructed," was then put and lost.

Dr. NALINAKSHA SANYAL: Sir, amendments Nos. 69 and 74 have already been disposed of. I now come to amendments Nos. 72, 73 and 75. I move them formally.

I beg to move that in Rule 81, line 1, after the last word "a" add "stage carriage permit."

I also beg to move that in rule 81 (*b*) (*ii*), line 2, after "the old" add "not being an improvement upon the same."

I further beg to move that in Rule 82 (*b*) (*ii*), line 1, after "the old" add "not being an improvement upon the same."

Sir, amendment No. 72 is merely a correction of a printing mistake probably. The heading of Rule 81 is: "Permit—replacement of a particular vehicle authorised by a.—". I have only suggested to make it complete by the addition of the words "stage carriage permit." It must be a mistake because it is incomplete and there is nothing after this.

Khan Bahadur MUHAMMAD ALI: By a permit——

Dr. NALINAKSHA SANYAL: Which permit and in respect of which car?

Khan Bahadur MUHAMMAD ALI: It relates to stage carriage permit.

Dr. NALINAKSHA SANYAL: Anyway, I am not going to take the time of the House on this point.

Mr. SPEAKER: There is one point, I might say, Sir Nazimuddin. Suppose there are certain difficulties suddenly cropping up for which a certain rule may prove to be absolutely inoperative. Is there any power to change the rule?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, Government can change it at any time.

Dr. NALINAKSHA SANYAL: That is under the Act.

Now, amendments Nos. 73 and 75 relate to similar things. It is stated that in replacement of a vehicle if a new vehicle differs in material respect from the old vehicle it will not be allowed to be replaced. That puts a definite restriction on improvements. If within the size, within the permissible weight, within the permissible safety limits, the designer can think of an improvement, surely the rule should be encouraging such an improvement and not discouraging the same. I therefore suggest the addition of the words "not being an improvement upon the same." I do not want to take any more time of the House. Supposing there is an improvement, over an old vehicle, according to the rule as it now stands, the Regional Authority will not be in a position to replace it.

Mr. SPEAKER: Rule 81 begins with "If the holder of a permit ....."; what permit?

Dr. NALINAKSHA SANYAL: Sir, I draw your attention to next Rule 82 where the replacement of a vehicle authorised by service permit is discussed.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then the honourable member is not pressing No. 81.

Dr. NALINAKSHA SANYAL: No, I am only drawing attention to the two discrepancies. In the second case it is definitely stated——

Mr. SPEAKER: Rule 82 refers to service permit, but in Rule 81 you do not say what permit.

The Hon'ble Khwaja Sir NAZIMUDDIN: Permit means any permit.

Dr. NALINAKSHA SANYAL: Sir, as I was saying, if it is an improvement, why not allow it?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is intended to prevent replacement of, say, a light motor vehicle by a heavier motor vehicle. That is what we mean by this. If it is an improvement, it does not matter. But if it is of a different type, you cannot do it.

Rai HARENDRA NATH CHAUDHURI: Dr. Sanyal's suggestion will exclude different categories. It refers only to improvements of a particular type.

Mr. SPEAKER: It is very difficult to say what is an improvement.

The Hon'ble Khwaja Sir NAZIMUDDIN: I oppose all these three amendments (namely, Nos. 72, 73 and 75).

Dr. NALINAKSHA SANYAL: Sir, I now beg to move amendment No. 77, viz., that in the first line of the recommendation of the Joint Conference regarding revised Rule 85 (*c*) for "Add .....to sub-rule" substitute the following: "Replace the existing sub-rule 85 (*c*) with the following:". As regards this amendment I thought it was a printing mistake. In Rule 85 (*c*)—in the amended rule of the Joint Committee—the heading is—"Add the following proviso to sub-rule". If you kindly look at Rule 85, you will find that there is no proviso there. On the other hand, this paragraph (*c*) is exactly corresponding to the old (*c*) with the addition of a few words. I believe the intention is to replace the existing sub-rule with the new sub-rule.

Mr. SPEAKER: Yes, there is some mistake there.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes. Sir, it is a clerical mistake. I accept the amendment.

The amendment of Dr. Nalinaksha Sanyal that in Rule 81, line 1, after the last word "a" add "stage carriage permit," was then put and lost.

The amendment of Dr. Nalinaksha Sanyal that in Rule 81 (*b*) (*ii*), line 2, after "the old" add "not being an improvement upon the same," was then put and lost.

The amendment of Dr. Nalinaksha Sanyal that in Rule 82 (*b*) (*ii*), line 1, after "the old" add "not being an improvement upon the same" was then put and lost.

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, about the weight of the free luggage, my suggestion is that this may be left to Government, and in consultation with the leaders of parties, we may decide this question, as I find there are certain difficulties about it.

Mr. SPEAKER: What about the motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: It will be left as it is; we will change it afterwards.

Dr. NALINAKSHA SANYAL: If the assurance is there, I beg to withdraw my motion.

The amendment of Dr. Nalinaksha Sanyal that in the proposed amendment to Rule 75 (*a*) add the words "free of charge" after the last words "per passenger," was then, by leave of the House, withdrawn

Dr. NALINAKSHA SANYAL: We now come to amendment No. 77 relating to a correction. That has been accepted.

My next amendment—No. 80—I do not propose to move.

Mr. SPEAKER: You don't move No. 82?

Dr. NALINAKSHA SANYAL: No, Sir, I do not move it. I move amendment No. 83.

Sir, I beg to move that in new Rule 90A (*e*) after the last word "preferred" add the following:—

> "or make any amendment consequential or incidental or as may be just or proper."

No. 81 is an amendment of the Hon'ble Khwaja Sir Nazimuddin to which some drafting improvement was considered by our party and it was found that under amendment No. 81 relating to Rule 90A, sub-rule (*e*) after the word "preferred," similar wording should be added as in the case of Rules 10 (*a*) and 10 (*c*), providing certain other powers for the revisional authority, as I have suggested in my amendment No. 83, that is to say, "or make any amendment consequential or incidental or that may be just or proper."

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I accept this amendment.

Dr. NALINAKSHA SANYAL: I now move amendment No. 89 which is: That in Rule 96 (*b*), line 1, after "motor cab" add "fitted with a taxi-meter."

The Hon'ble Khwaja Sir NAZIMUDDIN: I accept it.

Dr. NALINAKSHA SANYAL: Now I come to amendment No. 90, which is: That sub-rule (*c*) of Rule 96 be deleted. It relates to driver's attendant. It concerns Rule 96 which I shall just read out. In Rule 96 (*c*) it is stated that "no person other than the person actually engaged in the driving of the vehicle shall be employed in a motor cab as an attendant or otherwise." Here again I feel that those who have experience of moving in the mufassal on tour will bear me out that if a motor cab is left only in charge of a driver and no attendant is given to him, the driver finds much difficulty, *e.g.*, when a taxi or a cab in the mufassal has got to be taken over a long distance and if there is no helping hand of the driver, in case of accident or in such cases as shortage of petrol or things like that, it will be impossible for the driver to leave his car and to attend to the passengers or to do something which will be necessary to enable him to proceed with the cab. No one dares to drive a cab or a taxi without a helping hand by his side. Probably the framers of the rule merely took Calcutta into their consideration. In the mufassal areas when plying from village to village if the driver of a cab is not given a helping hand, he is absolutely at the mercy of anybody who is in the car and if there is any breakdown, he cannot attend to the car at all. He cannot leave the car to call the villagers to help him or to take the car to a safe corner either. You just take the case of the Grand Trunk Road. If you get an accident there, you cannot get a helping hand even to put a second wheel or to attend to a little bit of minor repairs. I believe Government will be well advised not to press this sub-clause.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is one of the things which was very hotly debated in our party, and in fact one member here was very keen on it. The difficulty is that we have got to make our choice between passengers and passengers. If two persons are there, one man may assault the other. At the same time, there is also the other side of the picture. In rural areas if a bus gets stuck or breaks down, the attendant may be of some assistance to the driver, but so far as "not being able to get assistance" is concerned, I do not agree to that, because the driver can leave the taxi temporarily in charge of the passengers and go to the village and get assistance.

Mr. SPEAKER: Supposing he takes his cleaner.

The Hon'ble Khwaja Sir NAZIMUDDIN: In Calcutta there was very unfortunate experience in the past of these cleaners. The driver and the cleaner may assault the passengers and rob them.

Khan Bahadur MOHAMMED ALI: Why not have licensed attendants, as we have got licensed conductors?

Mr. SPEAKER: That will be better; otherwise it will be very difficult to ply in rural areas without an attendant.

Khan Bahadur MOHAMMED ALI: Even after the recommendation of the Joint Conference, I felt much inconvenience in Bogra, and I had to go from house to house for assistance. Unless you make provision for licensed attendants, this rule will operate very harshly on the drivers.

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be accepted for rural areas only.

Dr. NALINAKSHA SANYAL: I think if we use the word "licensed" it may lead to confusion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then use the word "authorised". You leave the drafting to us.

Dr. NALINAKSHA SANYAL: All right, Sir, with your permission I formally move the amendment in a modified form, namely, that sub-rule (*c*) of Rule 96 be redrafted permitting employment of one attendant in rural areas. Amendment No. 92 and also Rule 198 of the Rules relate to the carriage of petroleum and dangerous goods. I submit that the Petroleum Act and Explosives Act are sufficiently elaborate to protect any public service vehicles against the conveyance of dangerous goods exposed. Sub-rule (*xviii*) of Rule 97 as it now stands says that the driver and the conductor of a public service vehicle shall not permit the carriage of any petroleum or explosives in the vehicle provided that this prohibition shall not extend to the fuel tank incorporated in the conveyance or such other quantity of petroleum, not exceeding twenty gallons, as may be carried in securely closed tins in a specially prepared receptacle which is not accessible to the passengers in the vehicle, and is not on the roof.

If it is neither on the roof nor accessible to the passengers, it is impossible to carry this petroleum. If the petroleum is to be carried at all, it must be carried either on the roof or under the seat.

The Hon'ble Khwaja Sir NAZIMUDDIN: It can be locked up to make it inaccessible to the passengers.

Dr. NALINAKSHA SANYAL: Rule 198 provides for it. It says "Except as provided in Rule 97 (*xviii*) no explosive, highly inflammable or otherwise dangerous substance shall be carried on any public service vehicle unless it is so packed that, even in the case of an accident to the vehicle, it is unlikely to cause damage or injury to the vehicle or persons carried thereon."

Either you keep this rule or delete the other one.

The Hon'ble Khwaja Sir NAZIMUDDIN: What is the harm in having both?

Dr. NALINAKSHA SANYAL: The harm is that it will be practically impossible. Anyway, I do not insist on it.

I now move amendment No. 102, viz., that in Rule 108 (*a*) (*v*) line 1, add towards the beginning: "the number of passengers and."

The Hon'ble Khwaja Sir NAZIMUDDIN: I accept it.

Dr. NALINAKSHA SANYAL: Amendment No. 107 proposes to delete new and old Rule 115. I want to draw your attention to section 42 (*3*), (*a*) and (*b*), of the Act itself. Section 42 relates to permits and sub-section 3, (*a*) and (*b*), give you the exemption from the necessity of having the permits issued in the case of vehicles owned by Central Government or Provincial Government or to any transport vehicle owned by the local authority or acting in contract with the local authority. These two seem to be quite comprehensive enough, indeed more than comprehensive than what is contemplated here. Any vehicle belonging to any Government department and not merely to the Communication Department is contemplated to be excluded. We cannot understand why——

Mr. SPEAKER: Is it strictly in order?

Mr. SANTOSH KUMAR BASU: I think, Sir, it is necessary.

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Dr. Sanyal you better leave it as it is.

Dr. NALINAKSHA SANYAL: May I draw your attention, Sir to one thing that appears to us in this connection? So far as section 42 (*3*) (*a*) is concerned, it gives exemption to all vehicles owned by a

on behalf of the Central Government or a Provincial Government, whether it belongs to the Communications and Works Department or otherwise, it is exempted. But (*b*) relates to vehicles owned by a local authority or a person acting under contract with a local authority and used solely for road cleansing, road watering or conservancy purposes. It has now been suggested that as this sub-section has to do only with road-cleansing, perhaps it would be desirable as the idea of the Joint Conference was to add road-making vehicles also. But the drafting of the rules has got to be in line with what is there in the Act.

Mr. SPEAKER: I think that the interpretation here will be that so far as section 42 (*3*) is concerned there is already the exemption and the rule-making power gives a further exemption to the Public Works Department.

Rai HARENDRA NATH CHAUDHURI: But they are already exempted in section 42 (*i*) (*a*) of the Act.

Dr. NALINAKSHA SANYAL: Here it is only local bodies that are proposed to be exempted. The Public Works Department is not the question at all here.

Rai HARENDRA NATH CHAUDHURI: Sir, may I explain the matter? So far as sub-section (*1*) (*a*) of section 42 of the Act is concerned, it does not refer to local authorities at all. And so far as sub-section (*b*) is concerned, it refers to vehicles used for certain purposes only and so far as the rule is concerned, the rule adds to these provisions in this respect that it refers to the local authorities as well as to vehicles used for road-making purposes. So, it enlarges the scope of the rule. Therefore, it is necessary.

The Hon'ble Khwaja Sir NAZIMUDDIN: You may leave it then.

Dr. NALINAKSHA SANYAL: All right, Sir. I shall not pursue the matter any further. Amendment No. 107 does not arise. Amendment No. 108, namely, that in Rule 121 (*1*), line 2, after the word "while" add "in motion," relates to the obligatory lighting of lamps. It is proposed in the rules that if a car is to be left in a street in Calcutta at certain hours you must keep the light burning. But, Sir, you cannot expect that the light should burn for hours together if you, for example, go to a club or a dinner and have to remain there for a considerable time.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is only where there are the special parking places that this is to be done.

Rai HARENDRA NATH CHAUDHURI: In that case why not make better parking arrangements? Why do you insist on lighting then?

Dr. NALINAKSHA SANYAL: If you compare Rule 202 with Rule 121, Rule 202 gives power to the Commissioner of Police within the limits of Calcutta, and to the District Magistrate elsewhere to declare that a motor vehicle which is at rest in a public place during the prescribed hours, may not be required to exhibit any light by a general or specific order etc., so that these two rules are really inconsistent with each other.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think they are.

Dr. NALINAKSHA SANYAL: May I read out the rule, namely, 202 (*a*)? "If within the limits of any municipality or cantonment a motor vehicle is at rest within the hours during which the lights are required at the left-hand side of any road or a street or elsewhere in any duly appointed parking place"—so that even a straight road as well as a parking area, everything is mentioned—"it shall not be necessary for the motor vehicles to exhibit any light save as may be required generally or specifically by the District Magistrate." This gives an idea as to what may be required.

Mr. SPEAKER: Rule 121 does not mean that the light in the motor car has got to be kept lit.

Dr. NALINAKSHA SANYAL: As there is this confusion, that is why I want to have the matter cleared up by adding the words "in motion," that is to say, "while in motion in a public place."

Mr. SPEAKER: Rule 121 means that there must be these lights and not that they should be kept lit at or between certain hours.

Khan Bahadur MOHAMMED ALI: May I refer Dr. Sanyal to Chapter V of the Rules, namely, construction, equipment and maintenance of motor vehicles, which only says that lamps and lights should only be a part and parcel of every motor vehicle; not that they should be kept always lit, but that every motor vehicle should be equipped with that?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Home Minister kindly let us know if that is the meaning and interpretation of this rule, viz., that mere equipment will do and no actual lighting is necessary? The Khan Bahadur does not surely mean to say that at these hours the carriage should not be kept lit.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I am not now in a position to give an interpretation of these rules.

Dr. NALINAKSHA SANYAL: I think our friend the Khan Bahadur from Bogra has not read the whole paragraph in his enthusiasm to support the Government. The whole paragraph says—..... "Every motor vehicle while in a public place during the period between half an hour after sunset and half an hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the road at a distance of 500 feet ahead, shall carry the following lamps, etc." Does not this mean that the lights should be burning?

Mr. SPEAKER: I think it simply means that there must be light so that it may be lit when necessary.

Dr. NALINAKSHA SANYAL: Is that the interpretation?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, it is for the lawyers to give the interpretation.

Mr. SANTOSH KUMAR BASU: But an interpretation given here will not save Dr. Sanyal in the court.

Mr. SPEAKER: So you see, Dr. Sanyal, that everybody agrees that you are wrong.

Dr. NALINAKSHA SANYAL: I hope, Sir, the court also will agree with this view. May I however cite a recent incident that befell me? Recently one of the tail lights of my car went off, and I was hauled up by the police and the case is still pending.

Mr. SPEAKER: I am sorry, Dr. Sanyal, that the police do not pay more attention to you. (Laughter.)

Dr. NALINAKSHA SANYAL: Amendment No. 111, Sir, deals with a very important matter. Sir, the provision is that under Rule 124A there should not be played any radio either with or without a loud speaker, etc., in a motor car, even if you go on an outing to remote villages. My motion is that while a radio may not be played while a vehicle is in motion so that it may not distract the driver's attention and lead to any accident on the roads, yet when a vehicle is at rest there is no reason why a gramophone or a radio receiving set should not be played.

The Hon'ble Khwaja Sir NAZIMUDDIN: On the contrary, Sir, there are serious objections to this for one thing that you can collect a crowd and block the traffic. Secondly, you can make yourself a nuisance to the person before whose house you make this noise. On the whole, the temptation is so great to turn the radio even while the car is in motion and thereby distract the driver's attention that it would be better not to have anything which is likely to lead to serious accidents. However much you may say, once you have a radio on the car and the car is moving especially on a moonlit night, you will turn the radio and then there may be accidents.

Dr. NALINAKSHA SANYAL: I believe the Hon'ble Sir Nazimuddin would like to have it in the afternoon at 5-30 when the football game will be going on to know what is happening to the Muhammadan Sporting team when he is going to the Hazaribagh side. That would be a different position from the moonlit night. Then he would like to have the news all right.

The Hon'ble Khwaja Sir NAZIMUDDIN: And the accident as well perhaps!

Mr. SPEAKER: You may leave that.

Dr. NALINAKSHA SANYAL: All right, Sir. Next I move amendment No. 113, viz., that in Rule 124A(*a*) new proviso proposed by the Joint Conference, line 3, after the word "for" add "publicity." Nowadays, publicity vehicles are fitted to go into rural areas with various equipments for different kinds of publicities—either it may be in connection with business or such other purposes.

Khan Bahadur MOHAMMAD ALI: It may be for educational purposes.

Dr. NALINAKSHA SANYAL: It may be business, public health, etc.

The Hon'ble Khwaja Sir NAZIMUDDIN: We have said that it is going to be only for educational purposes and not for commercial use.

Dr. NALINAKSHA SANYAL: It is proposed to permit only a special type of motor vehicle. You may grant a special permit for the use of radios or gramophones with or without loudspeakers in specially equipped motor vehicles. You are only contemplating certain types of cars and you are giving discretion to the regional authority. The registering authority may give a special permit to them.

Mr. SPEAKER: Take the case of the Tea Cess Committee. They have got buses which go all over the country with gramophones.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a debatable point, and it is better not to give it that kind of publicity.

Rai HARENDRA NATH CHAUDHURI: You are giving discretion to the registering authority.

Mr. SANTOSH KUMAR BASU: You may extend the scope of the rule by adding publicity to education.

The Hon'ble Khwaja Sir NAZIMUDDIN: I accept that.

Mr. SPEAKER: So, amendment No. 113 has been accepted. Dr. Sanyal, you may move one more.

Dr. NALINAKSHA SANYAL: I am not moving amendment No. 114.

Mr. SPEAKER: Are you moving amendment No. 116?

Dr. NALINAKSHA SANYAL: No.

Mr. SPEAKER: Are you moving amendment No. 119?

Dr. NALINAKSHA SANYAL: No, I am not moving that.

Mr. G. MORGAN: I want to move it then.

Dr. NALINAKSHA SANYAL: I agree. It is an important matter. My information, however, is that the entire thing has become infructuous as no speed governor is available.

The Hon'ble Khwaja Sir NAZIMUDDIN: You are not moving that. So, why worry about it!

Dr. NALINAKSHA SANYAL: Mr. Morgan is moving that.

Mr. SPEAKER: Are you moving amendment No. 127?

Dr. NALINAKSHA SANYAL: Yes, I am moving it. Sir, I beg to move that in Rule 191 (*b*), line 4, substitute the word "eight" for six. Here our Calcutta friends would be interested because the rule is that if a car is left on the road for more than 6 hours, it can be removed by the police and the cost of the removal will be

realised from the owner. In the Calcutta streets, particularly those who attend office at 10-30 and get back home at 6 p.m. have to leave their cars for more than six hours.

Mr. SPEAKER: Your suggestion is that it should be eight instead of six.

Dr. NALINAKSHA SANYAL: Yes, Sir. But I won't press it if the Hon'ble Sir Nazimuddin thinks that it is not practicable.

Mr. SPEAKER: What about amendment No. 131?

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in Rule 193, line 2, for the words: "specified in the Ninth Schedule to the Rules" substitute the words "to be notified by the Provincial Government in the official Gazette." It is merely a drafting improvement because I find that in the Ninth Schedule to these Rules, if as proposed by Government in the amended rule by the Joint Conference the Darjeeling district is deleted, nothing remains. The Ninth Schedule relates only to the Darjeeling district and if that is so, it would be a drafting improvement if the words "to be notified by the Provincial Government in the official Gazette" were substituted. I hope the Hon'ble Sir Nazimuddin will accept this.

Mr. SPEAKER: There is no existence of the Third Schedule also.

Dr. NALINAKSHA SANYAL: No.

Mr. SPEAKER: So, you are moving that.

Dr. NALINAKSHA SANYAL: Yes, Sir, I have moved it.

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot accept it.

Dr. NALINAKSHA SANYAL: I am not moving my amendment No. 132.

Mr. SPEAKER: What about amendment No. 139?

Dr. NALINAKSHA SANYAL: I beg to move that in the Ninth Schedule, Rule 193, the words "The District of Darjeeling" proposed by the Joint Conference to be deleted be reinstated. This is also a drafting improvement, where Darjeeling is proposed to be deleted.

Mr. SPEAKER: What about amendment No. 124?

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in the new Rule 187 (*b*), recommended by the Joint Conference, for "ordinarily" in line 2, substitute the following:—

"Unless there is a special contract."

The Hon'ble Khwaja Sir NAZIMUDDIN: It is legal to have a contract. I therefore cannot accept it.

Mr. SPEAKER: So, you oppose amendments Nos. 124, 127 and 139.

Dr. NALINAKSHA SANYAL: If the Hon'ble Sir Nazimuddin has not applied his mind to an extent to which these amendments deserve, I am perfectly prepared to leave them entirely to his discretion, and I would like the leave of the House to withdraw them, leaving those suggestions for his consideration. On the other hand, if they are voted upon and lost, Government might have some difficulty in adopting them later on.

The following motions of Dr. Nalinaksha Sanyal:—

that in new Rule 187 (*b*), recommended by the Joint Conference, for "ordinarily" in line 2, substitute the following:—

"unless there is a special contract"·

that in Rule 191 (*b*), line 4, substitute "eight" for "six";

that in Rule 193, line 2, for the words "specified in the Ninth Schedule to these Rules" substitute the words "to be notified by the Provincial Government in the official Gazette"; and

that in the Ninth Schedule, Rule 193, the words "The District of Darjeeling" proposed by the Joint Conference to be deleted be reinstated;

were then by the leave of the House withdrawn.

Mr. G. MORGAN: Sir, can I move the amendment No. 119? I was going to support Dr. Sanyal, but as he has not moved it, I want to move it.

Mr. SPEAKER: You may move it as a short-notice amendment.

Mr. G. MORGAN: Sir, I beg to move that Rule 176 be deleted. Government are in full possession of the facts put forward by the Indian Road Transport Development Co., and the technical advice given on the subject, but probably they are not in favour of deleting the rule. I would, however, ask them seriously to consider whether

it would not be advisable to suspend the rule until suitable governors are available. It is known that suitable speed governors are not available. At the present moment the authorities have some system by which they put in a washer which reduces the speed and reduces also the entire utility of the vehicle. It is regulated to pull at 15 miles an hour on the level and the lorries are finding great difficulty. When they come to anything which is not actually level ground, they find great difficulty in proceeding. I would therefore ask Government to suspend the rule until they can give a list of suitable speed governors which can be obtained. They cannot be obtained at the present moment and the present system is quite unsuitable.

Mr. SPEAKER: The registering authority has to approve. If there is no speed governor, there is no approval.

Mr. C. MORGAN: I would like the rule to be deleted, but if Government are not willing to accept the amendment for the deletion of this rule, I would at least like them to suspend the rule until speed governors can be listed under a schedule and be made available.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is too dangerous to allow motor buses in Calcutta and even in rural areas to run without governors. If it is shown that governors are not available owing to the war or other contingencies, Regional Transport Authorities can make exemption or Government can make provision for exemption, but at the present moment I am informed that suitable governors are available.

Dr. NALINAKSHA SANYAL: Sir Nazimuddin will kindly see his own Rule 176. Because governors are not available, Government have not been in a position to approve of any governors; and under the Eighth Schedule below the words "List of approved makes of speed governors" the remark is nil.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is true, Sir, that we have not got an approved list of speed governors, but there are governors even now on buses. No doubt we have not got a perfect type of governor, but governors are there.

Mr. C. MORGAN: I understand, Sir, that buses have speed governors, but the impression is that they are ineffective. The buses run at 30 or 40 miles an hour.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is better to have some rather than none at all.

Mr. C. MORGAN: No, no.

Mr. JOGESH CHANDRA GUPTA: Mr. Morgan wants very good governors.

Mr. SPEAKER: Sir Nazimuddin, do you oppose Mr. Morgan's amendment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

The short-notice motion of Mr. G. Morgan, namely, "Delete Rule 176" was then put and lost.

Mr. SIBNATH BANERJEE: Sir, at this fag end of the day after the non-stop speech of Dr. Sanyal for three hours, I am afraid the House may not be in a mood to listen to my speech (Cries of "Yes, yes," from Congress benches), but I shall be as brief as possible.

The origin of this Act and the rules as has been ably and lucidly explained by Dr. Sanyal is the railroad controversy. Our point of view is that unless both the Railways and the bus services and all other transport services are nationalised, scientific planning of the entire transport system is not possible, but that is a far cry. Therefore, today it will be much better if the buses in municipal areas are municipalised, but unfortunately the municipalities in Bengal have not taken to this idea of municipalising the buses. Not even in Calcutta has this idea taken root. Therefore, I am trying the only other alternative of having consumers' societies or co-operative societies for running buses and these should be given preference. But it is not being done. On this point I can speak from my own experience. There is a society recently organised in Howrah to run buses on co-operative lines. With the greatest difficulty the Howrah Co-operative Transport Society has been registered and we were trying to get a licence even before the Regional Transport Authority was formed, but that body has taken up a curious attitude. They are not prepared even to entertain the application. This society was fortunate enough to get the recommendation of the District Magistrate of Howrah who incidentally was the person who drafted most of these Rules for Government. It was also fortunate to get the recommendation of the Registrar of Co-operative Societies, but notwithstanding all this the Transport Authority—I mean the Regional Transport Authority—has written, definitely and categorically that unless they examine all the applications from the existing public licence-holders they are not prepared to entertain our application at all in spite of the recommendations of the District Magistrate and of the Registrar of Co-operative Societies. Though it is a special type of society yet I submit,

Sir, that it is in the interest of bus-riders. As the application cannot go before the Regional Transport Authority, I am placing this amendment, to remedy the situation. It may be argued that such an amendment is out of place. If that be the view of Government, then steps should be taken in this matter even by giving executive directions to the Regional Transport Authority. I do not know what is the view of Government in the matter, but I feel that instead of supporting individual owners it will be meet and proper if the consumers' societies or co-operative societies or municipalities are given preference. There is no question of immediately driving out the existing licence-holders; it is a question of giving preference to those societies which are meant for the benefit of bus-riders or municipalities. Municipalities may also find some additional source of revenue and, at the same time, do a public service along with it, and that will be better ultimately for the proper and scientific co-ordination of the bus services in Bengal.

With these words, Sir, I place this amendment before the House which I hereby formally move, viz., that after Rule 62(*a*) the following new sub-rule be added, namely:—

"(*aa*) The Transport Authorities shall give preference to the application from Co-operative Societies, Consumers' Societies or Municipalities."

The Hon'ble Khwaja Sir NAZIMUDDIN: Here is, Sir, another illustration where preference is being sought for particular societies because of a newly started body in Howrah, but I am sure if my friend Mr. Sibnath Banerjee had realised the position he would not have made any complaint at all.

Mr. SIBNATH BANERJEE: I shall be only too glad; I want the whole of Bengal to follow it.

The Hon'ble Khwaja Sir NAZIMUDDIN: As there is a Regional Transport Authority in Howrah, naturally it has got to be very cautious in the matter of granting licences, and new permits cannot be given unless the Regional Transport Authority strictly examines all the old cases. I do not think that there is any reason to apprehend that applications of this nature will not get fair and preferential consideration. I can assure my honourable friend that as far as Government are concerned they would approve of the policy enunciated there, but I do not think it can be provided in the rules. The thing has been brought before the House, and that is enough indication, I think, that special consideration may be shown to them by the Regional Transport Authorities.

The motion of Mr. Sibnath Banerjee that after Rule 62(*a*) the following new sub-rule be added, namely:—

"(*aa*) The Transport Authorities shall give preference to the applications from Co-operative Societies, Consumers' Societies or Municipalities"

was then put and lost.

Mr. SYED JALALUDDIN HASHEMY: Sir, amendments Nos. 20, 22, 59 and 123 stand in my name and I move them formally.

I beg to move that in Rule 41 (*a*) (*iii*) for the words "sixteen rupees" the words "eight rupees" be substituted.

I also beg to move that in Rule 41 (*b*), line 2, for the words "sixteen rupees" the words "two rupees" be substituted.

I further beg to move that in Rule 72A (*a*), line 2, for the expression "Rs. 10" the expression "Rs. 2" be substituted.

I lastly beg to move that in sub-rule (*a*) of Rule 187, as proposed by the Joint Conference, in line 2, after the word "carriage" the following be inserted, namely:—

"and in case of the refusal by the hirer to pay the legal fare the police shall assist in having the fare realised."

In these amendments, Sir, I have only suggested reduction of the registration fee, reduction of the transfer of ownership fee, permit fee, and so forth. In doing so, I have only followed the Hon'ble Home Minister. I refer to amendment No. 18 in which Sir Nazimuddin had himself suggested 50 per cent. reduction of the court-fee to be attached to the memorandum of appeal against the order of the registering authority, and in amendment No. 21 he has suggested a similar reduction with regard to transfer of ownership. Under the present rules, for every vehicle as mentioned in Rule 41(*a*) (*iii*) the owner will have to pay Rs. 16 as registration fee and I have asked for a reduction of that fee. I hope the Hon'ble Minister will follow his own example and accept this amendment as he has sympathetically made reduction in the other case.

With regard to amendment No. 123, I hope that this small amendment of mine will be acceptable to the Hon'ble Minister. In it I have suggested that in case of the refusal by the hirer to pay the legal fare the police shall assist in having the fare realised. The Hon'ble Minister has suggested that in order to realise the fare the driver will have to do this and to do that, but I know that there are cases in which

the hirer deceives the driver and it is difficult to realise the cost from the hirer with the result that the driver has to go to the civil court for realisation of the fare.

These are my suggestions to the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am surprised that Mr. Jalaluddin Hashemy of all people should complain about transfer fee of a bus or a taxi because he knows very well what can be reasonably paid if one can only get a bus transferred from one person to another. I am told that as much as Rs. 1,000 or Rs. 2,000 is paid to get the right to run a bus. Supposing somebody has got a bus and he does not want to continue but wants to transfer his right of running a bus, he may get as much as Rs. 2,000 in Calcutta.

Mr. JALALUDDIN HASHEMY: That is about buses, but what about cars?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am told by Khan Bahadur Mohammed Ali that one can get from Rs. 10,000 to Rs. 20,000 by such transfer of right. So, I think that there is no justification that anybody who can pay such a big amount for procuring the right of running a bus should grudge paying Rs. 16.

As regards the question of realising the fare by police, I am glad that Mr. Hashemy has begun to have such confidence in the police now. But we have gone into this question carefully and we have done what was possible for us to help the drivers. Anything further will lead to difficulty.

The amendment of Mr. Syed Jalaluddin Hashemy that in Rule 41(*a*) (*iii*) for the words "sixteen rupees" the words "eight rupees" be substituted, was then put and lost.

The amendment of Mr. Syed Jalaluddin Hashemy that in Rule 41(*b*), line 2, for the words "sixteen rupees" the words "two rupees" be substituted, was then put and lost.

The amendment of Mr. Syed Jalaluddin Hashemy that in Rule 72A (*a*), line 2, for the expression "Rs. 10" the expression "Rs. 2" be substituted, was then put and lost.

The amendment of Mr. Syed Jalaluddin Hashemy that in sub-rule (*a*) of Rule 187 as proposed by the Joint Conference, in line 2, after the word "carriage" the following be inserted, namely:—

> "and in case of the refusal by the hirer to pay the legal fare the police shall assist in having the fare realised,"

was then put and lost.

The amendment of Dr. Nalinaksha Sanyal that in Rule 61(*b*)(*1*) (*iv*), lines 2 and 3, substitute "elected by the Commissioners at a meeting" for "nominated by the Provincial Government," was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in Rule 61(*b*)(*1*) (*v*), lines 1 and 2, substitute "elected by the councillors and aldermen at a meeting" for "nominated by the Provincial Government," was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in Rule 71A, sub-rule (*a*), line 3, of the proposed new rule, after the word "shall" add the following:—

> "unless such a permit has already been countersigned by the Regional Transport Authority or Authorities concerned, other than the original Regional Transport Authority issuing the permit,"

was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in Rule 74(*f*) as proposed to be amended by the Joint Conference, lines 2-3, delete the words: "on particular occasions," was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in the first line of the recommendation of the Joint Conference regarding revised Rule 85(*c*) for "Add the following proviso to the sub-rule" substitute the following: "Replace the existing sub-rule 85(*c*) with the following:" was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in new Rule 90A(*e*) after the last word "preferred" add the following:—

> "or make any amendment consequential or incidental or that may be just or proper,"

was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in Rule 96(*b*), line 1, after "motor cab" and "fitted with a taxi-meter," was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal as modified after discussion that sub-rule (*c*) of Rule 96 be redrafted permitting employment of one attendant in rural areas, was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in Rule 108(*a*) (*v*), line 1, add towards the beginning "the number of passengers and," was then put and agreed to.

The amendment of Dr. Nalinaksha Sanyal that in Rule 124A(*a*) new proviso proposed by the Joint Conference, line 3, after the word "for" add "publicity" was then put and agreed to.

The motion of the Hon'ble Khwaja Sir Nazimuddin, as amended, that this Assembly is of opinion that the Government do now take steps to amend the Bengal Motor Vehicles Rules, 1940, by incorporating therein the amendments noted below, namely:—

Rule 2.

That after Rule 2(*e*) the following sub-rule be added, namely:—

"(*f*) 'District Magistrate' includes an Additional District Magistrate."

Rule 9.

That in Rule 9(*b*) for the words "two members of that authority selected by him" the words "two members of that authority elected by it from time to time" be substituted.

That in Rule 9(*c*) (*1*) (*i*) for the words "selected by him" the words "elected by it from time to time" be substituted.

That after Rule 9(*c*) the following sub-rule be added, namely:—

"(*d*) The provisions of section 5 and section 12 of the Indian Limitation Act, 1908, will apply to appeals under sub-rule (*c*)."

Rule 10.

That in Rule 10(*a*) the expression "Rule 8 or," in lines 1 and 2, be omitted and in line 3 for the words "two rupees" the words "one rupee" be substituted.

That in Rule 10(*c*), in line 4, after the word "prefer" the words "or make any amendment consequential or incidental or that may be just or proper" be inserted.

Rule 13.

That in Rule 13(*d*) for the words "five rupees" the words "three rupees" be substituted.

Rule 14.

That in Rule 14(*c*), lines 2-3, the words "if the licence is more than five years' old and in other cases five rupees" be omitted.

Rule 16.

That in Rule 16(*a*) for sub-rule (*a*) the following be substituted, namely:—

"(*a*) When the holder of a licence has submitted the licence to a licensing or other authority for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee, or when a police officer or any court has taken temporary possession of a licence for any purpose other than that of sub-section (*2*) of section 129 of the Act and the licence has not been suspended or cancelled, the licencing or other authority or the police officer or the court, as the case may be, shall furnish him with a receipt for the licence and temporary authorisation to drive in Form L Tem. When a police officer seizes a licence under sub-section (*2*) of section 129 of the Act, he shall give to the person surrendering the licence the temporary authorisation to drive under sub-section (*3*) of the said section also in Form L Tem. During such period as may be specified in Form L Tem. the production thereof on demand shall be deemed to be production of the licence."

Rule 22.

That after Rule 22(*g*) the following sub-rule be added, namely:—

"(*h*) Any person aggrieved by an order of refusal made by the licensing authority under sub-rule (*b*) may within 30 days of the communication to him of the order, appeal—

(*i*) where the licensing authority is the Deputy Commissioner of Police, Public Vehicles Department, to the Commissioner of Police, Calcutta;

(*ii*) where the licensing authority is the District Magistrate, to the Commissioner of the Division.

The procedure laid down in Rule 10 for the conduct and hearing of appeals shall apply to all appeals preferred under this sub-rule."

Rule 23.

That in Rule 23, for the words "one month," in line 4, and "three months," in line 5, the words "three months" and "six months" be substituted respectively.

Rule 29.

That in Rule 29, lines 2-3, the words beginning with "graders" and ending with "tractors" be omitted.

Rule 30.

That in Rule 30(*f*) for the words and figures "25 per cent.," in line 5, and "50 per cent.," in line 6, the words and figures "125 per cent." and "150 per cent." be substituted respectively.

Rule 33.

That in Rule 33(*a*), line 3, for the words "two rupees" the words "one rupee" be substituted.

That in Rule 33(*c*), line 5, before the words "and shall make an order accordingly" the words "or make any amendment consequential or incidental or that may be just or proper" be inserted.

Rule 41.

That in Rule 41 (*b*), lines 2-3, for the words "sixteen rupees except in the case of a motor cycle and invalid carriage when the fee shall be five rupees" the words "half the registration fee" be substituted.

Rule 47.

That in Rule 47 (*a*), line 2, for the words "a province" "the province" be substituted.

Rule 50.

That in Rule 50 the words beginning with "graders," in line 2, and ending with "fitness," in line 5, be omitted.

Rule 54.

That Rule 54 be omitted.

Rule 60.

That in Rule 60 (*a*) (*iv*), line 3, the word "and" be omitted and the words "and the Indian Road and Transport Development Association" be added at the end.

Rule 60 (*a*) (*vi*).—Omit "and executive officer of the authority."

For Rule 60 (*c*) the following be substituted:—

'At the first meeting of the Provincial Transport Authority after this sub-rule comes into force, the said authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at any meeting the members present shall elect one of their number to act as Chairman."

For Rule 60 (*d*), the following sub-rule be substituted:—

"(*d*) The Chairman, or the Deputy Chairman or any member acting as Chairman under sub-rule (*c*) shall have a second or casting vote in all cases of equality of votes."

Rule 60 (*h*).—Omit "nominated" in line 1 and after "authority" insert "other than an *ex-officio* member" and for "nominated," in lines 3 and 5, insert "elected or appointed."

Rule 61.

In Rule 61 (*b*) (*1*) (*iv*), lines 2 and 3, substitute "elected by the Commissioners at a meeting" for "nominated by the Provincial Government."

In Rule 61 (*b*) (*1*) (*v*), lines 1 and 2, substitute "elected by the Councillors and Aldermen at a meeting" for "nominated by the Provincial Government."

For Rule 61 (*d*), the following be substituted:—

"At the first meeting of the Regional Transport Authority after this sub-rule comes into force the said authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at the meeting, the members present shall elect one of their number to act as Chairman."

For Rule 61 (*e*), the following sub-rule be substituted:—

"The Chairman, or the Deputy Chairman or any member acting as Chairman under sub-rule (*d*) shall have a second or casting vote in all cases of equality of votes."

Rule 61 (g).—Omit "nominated" and after "authority" insert "if such a member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct and after having given an opportunity to the member to be heard."

Rule 61 (h).—Omit "nominated" in line 1 and after "authority" insert "other than an *ex-officio* member" and for "nominated," in lines 3 and 5, insert "elected or appointed."

Rule 61 (i).—Omit "nominated" in line 1 and after "authority," in line 1, insert "not being a servant of the Crown in India."

New Rule 61A.

Insert the following new rule:—

"61A. No person shall be a member both of the Provincial Transport Authority and of a Regional Transport Authority."

Rule 62.

Rule 62 (d).—For "one-third" in last line but three read "one-quarter."

Rule 62 (h).—Add "voting may be by ballot if so decided by the Authority."

Rule 62 (i).—Add "provided that when the Secretary has refused a permit such refusal shall be subject to the approval of the authority at its next meeting."

Rule 65.

Rule 65 (b).—After "newspaper" insert "or newspapers."

Rule 66.

Rule 66 (a).—Omit "either" in the fifth line of the sub-rule and omit "may" in the penultimate line of the sub-rule.

Rule 66 (c).—Before "either" in the fourth line insert "and conduct his case."

Rule 71.

For the existing rule substitute the following:—

"(*a*) Subject to the provisions of section 63 of the Act, a Regional Transport Authority (hereinafter referred to as the original Transport Authority) may issue a permit other than a

permit in Form P. St. P., a permit in Form P. St. S. and a permit in Form P. Co. S., having validity in any other region in the province in accordance with any general or special resolution recorded by any other Regional Authority, and any permit so issued shall be of like effect in the region of the other authority as if it were issued by that authority provided always that the vehicles to which the permit refers are normally kept within the region of the original Transport Authority. When issuing the permit aforesaid the original Transport Authority may subject to the provision of sub-rule (*b*) attach conditions to the permit with effect to such other region and may vary conditions of the permit in different regions.

(*b*) An original Transport Authority may issue under this rule a contract carriage permit in Form P. Co. S. with effect in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport Authority under a contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire outside that region.

(*c*) The original Transport Authority which issues a permit with effect in any other region under this rule shall send a copy of the permit to the authority of the other region.

(*d*) Nothing in this rule shall affect the right of the holder of any permit to apply to any Regional Transport Authority for countersignature of a permit."

Rule 71A.

After Rule 71 insert the following:—

"71A. Permits—Inter-regional stage carriage—

(*a*) Subject to the provisions of section 63 of the Act an application for a stage carriage permit having validity in two or more regions within the province shall, unless such a permit has already been countersigned by the Regional Transport Authority or Authorities concerned, other than the original Regional Transport Authority issuing the permit, be considered at a Joint Conference of the Regional Transport Authorities concerned to be held periodically at such times and at such places within one of the regions concerned as the Chairmen of the said Regional Transport Authorities may jointly decide; provided that the authorities concerned shall not meet in Joint Conference more than once in each

of the periods of three months of January to March, April to June, July to September and October to December, but any such meeting may continue for more than one day.

(*b*) Upon receipt of such an application the Secretary of the Regional Transport Authority to which the application is preferred (hereinafter referred to as the Original Transport Authority) shall, if the application is in order, with all reasonable despatch circulate particulars thereof to the other Regional Transport Authorities concerned together with an enquiry as to the date on which the matter is to be decided by Joint Conference.

(*c*) In fixing the date on which the application is to be considered by Joint Conference the Regional Transport Authorities concerned shall without prejudice to the proper examination of the application and any enquiries in connection therewith have regard to the desirability of avoiding delay in the issue of such a permit and shall so arrange its business that the permit shall normally be granted or refused within the quarterly period referred to in sub-rule (*a*) in which the application is received.

(*d*) The Chairman of the Original Transport Authority shall be the Chairman of the Conference.

(*e*) The Procedure for the hearing of applications for permits laid down in Rule 66 shall apply to the hearing of applications at a Joint Conference under this rule.

(*f*) Each Regional Transport Authority at the Conference shall have one vote.

(*g*) The decision of a Joint Conference shall be recorded in the form of a resolution.

(*h*) In accordance with any resolution recorded at the Joint Conference the Original Transport Authority may issue the stage carriage permit applied for after obtaining the countersignature of the Regional Transport Authority concerned according to the provisions of section 63 of the Act and the permit so issued shall be of like effect in the regions of the other authorities as if it were issued by those authorities, provided always that the vehicle or vehicles to which the permit refers are normally kept within the region of the Original Transport Authority.

(*i*) The Original Transport Authority which issues a stage carriage permit with effect in any other regions under this rule shall send a copy of the permit to the authorities of the other regions concerned.

(*j*) If on account of an equality of votes the Joint Conference fails to reach a decision or if any of the Regional Transport Authorities fails to accept the decision reached by the votes, such failure shall be recorded in a resolution of the Conference.

(*k*) (*i*) In the event of a resolution being passed under sub-rule (*j*), the Chairman of the Joint Conference shall, within thirty days from the date of such resolution refer the matter to the Provincial Transport Authority under clause (*c*) of sub-section (*3*) of section 44 of the Act for decision and shall forward to the Secretary all the relevant documents (in duplicate), with a covering memorandum setting forth concisely the grounds of objection of the dissenting Regional Transport Authority to the grant of the permit or to the decision of the Joint Conference as the case may be.

(*ii*) As soon as may be after a resolution is passed under sub-rule (*j*) the Chairman shall cause a copy of the resolution to be communicated to the applicant or applicants, as the case may be.

(*l*) Any person aggrieved by the failure of the Original Transport Authority to grant a permit or the failure of a Regional Transport Authority to countersign a permit in view of the resolution of the Joint Conference recorded under sub-rule (*j*) may, within 30 days from the date of receipt of the copy of the resolution under clause (*ii*) of sub-rule (*k*), appeal to the Provincial Transport Authority and the provisions of sub-rules (*b*) to (*f*) of Rule 90A shall, *mutatis mutandis*, apply to such appeals.

(*m*) If an appeal is preferred under sub-rule (*l*) the Provincial Transport Authority shall deal with and dispose of the reference made to it under sub-rule (*k*) in respect of the subject-matter of such appeal, along with, but not before, the hearing of such appeal.

(*n*) The order passed by a Provincial Transport Authority on a reference made to it under sub-rule (*k*), or on an appeal under sub-rule (*l*) or under sub-rule (*b*) of Rule 90A, and the order passed by the Appellate Authority on an appeal under Rule 89 from the decision of a Provincial Transport Authority on a reference made to it under sub-rule (*k*) shall be forthwith communicated to the Original Transport Authority and a copy of every such order shall be also sent to each of the other Regional Transport Authorities concerned, and if any such order directs the issue of or confirms any decision for the issue of, a permit, the Original Transport Authority shall issue the permit in pursuance of the said order and the provisions of sub-rules (*h*) and (*i*) shall apply.

Rule 74.

Rule 74(f).—Insert the words "exceeding two maunds" after the words "carriage of goods" in line 2.

In Rule 74(*f*) as proposed to be amended by the Joint Conference, lines 2-3, delete the words: "on particular occasions."

Rule 74(f).—Explanation.—For "may" in line 1 read "shall" and at the end of the Explanation add "exceeding two maunds."

Rule 75.

Rule 75(a).—For "20 lbs." read "10 seers" and add at the end of the clause "except that in the areas outside Calcutta, including the suburbs and the Municipality of Howrah, 15 seers shall be allowed per passenger."

Rule 78.

Rule 78(a).—For the last line of the sub-rule substitute: "by the fees prescribed in Rules 72 to 72F."

Rule 78A.

After Rule 78 of the said Rules insert the following:—

"*Rule 78A.*—Permits issued or renewed within two years of the commencement of the Act—Duration of—Permits issued or renewed within two years of the commencement of the Act shall be effective without renewal for one year from the date of issue or renewal as the case may be."

Rule 85.

Rule 85(c).—Replace the existing sub-rule 85(*c*) with the following:—

"(*c*) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application which the Regional Transport Authority is subsequently satisfied, after having given the parties an opportunity of submitting an explanation, was false in respect of the matter specified in sub-rule (*b*) or in respect of any other material particular shall be void."

Rule 86.

Rule 86(e).—For "five rupees" and "three rupees" read "three rupees" and "one rupee" respectively.

Rule 89.

After the words "section 64 of the Act" insert the words "including an order passed on a reference made to a Provincial Transport Authority under sub-rule (*k*) of Rule 71A.

Delete sub-rule (*b*)(*i*) and renumber (*b*)(*ii*) as (*b*)(*i*) omitting the words "and shall in that case order the appellant to deposit such fee as he may specify not exceeding fifty rupees."

Rule 90.

Before the words "The Authority to decide an appeal" insert the words, figure and letter "Save as otherwise provided in Rule 90A."

Delete sub-rule (*b*)(*i*) and renumber (*b*)(*ii*) as (*b*)(*i*), omitting the words "and shall in that case order the appellant to deposit such fee, not exceeding twenty-five rupees as the appellate authority may specify."

Rule 90A.

After Rule 90 of the said Rules insert the following:—

Rule 90A.—Permits—Inter-regional stage carriage—Appeals against order of Joint Conference:—

(*a*) The authority to decide an appeal against all orders based on the resolution of the Joint Conference passed under sub-rule (*h*) of rule 71A in respect of matters referred to in clauses (*a*), (*d*) and (*f*) of section 64 of the Act shall be the Provincial Transport Authority or a sub-committee to be appointed by it from time to time.

(*b*) Any person aggrieved by any such order may, within thirty days of receipt of such order prefer an appeal in writing under this rule by presenting a Memorandum (in duplicate) to the Secretary to the Provincial Transport Authority, one copy of which shall bear a court-fee stamp of one rupee and such Memorandum shall set forth concisely the grounds of objection to such order and shall be accompanied by a certified copy of that order and of the resolution of the Joint Conference on which such order is based.

(*c*) Upon receipt of an appeal in accordance with sub-rule (*b*) the appellate authority shall appoint a time and place for the hearing of the appeal giving the appellant not less than thirty days' notice.

(*d*) The appellate authority shall also issue notices to the Regional Transport Authorities concerned on receipt of such appeal.

(*e*) The appellate authority, after giving an opportunity to the parties to be heard, and after such further enquiry if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred or make any amendment consequential or incidental or as may be just or proper.

(*f*) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals preferred under sub-rule (*b*).

Rule 91.

After the word and figures "Rule 90" insert the words, figures and letter, "or Rule 90A".

Rule 92.

Consequent on the amendments to Rules 89 and 90, delete the rule.

Rule 93.

Rule 93(b).—Substitute the following for item (*b*):—

"Any fire brigade, vehicle or ambulance when being used as such, and any vehicle owned by a local authority and used for municipal purposes to meet cases of emergency or of delays by reason of circumstances which could not be foreseen."

Rule 96.

The title of this rule should be "Drivers and Conductors of Public Service Vehicles—Conduct and duties of."

Rule 96(a) (ii).—Add "or behave in a manner likely to cause annoyance to any female passenger."

In Rule 96(*b*), line 1, after "motor cab" add "fitted with a taxi-meter."

Sub-rule (*c*) of Rule 96 be redrafted permitting employment of one attendant in rural areas.

Rule 97.

Rule 97(ii).—Add "and shall not behave in a manner likely to cause annoyance to any female passenger."

Rule 101.

Rule 101(c).—Insert "the" before "Licensing Authority."

Rule 101(j) (iv).—Omit the clause.

Rule 101(p).—Substitute "three months" for "one month."

Rules 102 and 103.

Rules 102(c) and 103(c).—In the third line substitute "one rupee" for "two rupees."

Rule 105.

Rule 105(b).—After "practitioner" insert "or sanitary inspector."

Rule 105(c).—After "health" in the fourth line and "officer" in the eighth and ninth insert "or sanitary inspector."

Rule 106.

Rule 106(d).—Insert "or District Board" after "Municipality" in line 7 and after "Municipal" in line 7 insert "or district board."

Rule 108.

In Rule 108(*a*) (*v*), line 1, add towards the beginning: "the number of passengers and."

Rule 112.

Rule 112(b).—For "208" read "209".

Rule 113.

Rule 113(b) (ii).—For "suppose" read "believe."

Rule 113(d).—Insert "the" before "first or second class."

Rule 115.

Substitute the following for the rule:—

"Sub-section (1) of section 42 of the Act shall not apply to transport vehicles owned by the Communications and Works Department, Calcutta Corporation, Municipalities and District Boards and used for road-making and maintenance."

Rule 122.

Rule 122(d).—For the words "no braking system shall be dependent upon the rotation of the engine" substitute the words "no braking system shall be rendered ineffective by the non-rotation of the engine."

Rule 122(d), proviso.—Omit the following words from sub-rule (*d*) and add them to the proviso:—

"and to the braking system of any trailer and of the trailing half of any articulated vehicle."

Rule 124A.

Rule 124A(a).—Add the following proviso:—

"Provided that the Registering Authority may grant a special permit for the use of radios or gramophones with or without loudspeakers in specially equipped motor vehicles used for publicity, educational or traffic purposes."

Rule 134.

Rule 134(a).—Insert "After the 1st day of April, 1941," at the beginning of the sub-rule and add the following proviso to the sub-rule:—

"Provided that the Registering Authority may exempt any vehicle or class of vehicles from the operation of this sub-rule."

Rule 138.

Rule 138(c).—Add clause (*v*) "Any bumper."

Rule 175.

Rule 175(3).—Delete the present sub-rule and substitute the following:—

"In the case of trailers registered in India after the 1st day of April, 1940, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle."

Rule 176.

Rule 176(a).—Substitute the word "City" for "region" in the second line and add the words and brackets "(including suburbs)" after the word "Calcutta," and before the words "speed governor" in the third line the words "an effective" should be substituted for the word "a".

Rule 187.

After Rule 186 insert the following:—

"*Rule 187.*—Payment of fare for hire of contract carriages—

(*a*) No hirer of a contract carriage shall refuse or omit to pay the legal fare for the hire of a contract carriage.

(*b*) In Calcutta, including suburbs, in the case of a motor cab the legal fare shall ordinarily be the fare shown on the taxi-meter. In the event of a dispute in connection with the fare, or if the hirer has reasonable grounds for believing that the meter is registering incorrectly, the hirer shall, if required by the motor cab driver, accompany him to the nearest police officer and he shall not refuse to supply his correct name and address to the motor cab driver or to the police officer."

Rule 191.

Rule 191(a).—After "police officer" occurring in the fourth line insert "or any officer of a district board or municipality other than a ministerial officer or a menial."

Rule 191(a) (iii).—For "twenty-four hours" substitute "twelve hours within municipal areas and twenty-four hours elsewhere."

Rule 191(d).—After sub-rule (*c*) add the following sub-rule:—

"(*d*) (*i*) The owner of the motor vehicle or his heirs or assigns may, within 14 days from the date of the payment referred to in sub-rule (*c*), challenge the correctness or otherwise of the amount realised as expenses incurred by the police officer under that sub-rule, by a statement in writing delivered to the Commissioner of Police, Calcutta, or to the District Magistrate, according as such payment is made in the City of Calcutta (including suburbs) or elsewhere.

(*ii*) Upon receipt of such statement, the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, shall cause such enquiries to be made as appear to be necessary to satisfy himself as to the correctness or otherwise of the amount realised as expenses of the police officer under sub-rule (*c*) and shall pass such orders thereon as he deems fit.

(*iii*) If the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, is satisfied that the amount so realised is excessive, he shall order a refund to be made to the persons submitting the statement of the amount which he considers to be in excess of the amount which such person is liable to make good under sub-rule (*c*)."

Rule 192.

Rule 192(c).—After the word "vehicle" occurring in the first line insert "not being engaged in driving or attending to any other vehicle at the time."

Insert the following sub-rule:—

"(*k*) A weighing device for the purpose of section 73 of the Act shall be tested as to its accuracy every six months by such person as may be appointed in this behalf by the Registering Authority. In the case where such device is installed and maintained by the Provincial Government, the date of the last test held under this sub-rule shall be exhibited on the device."

Rule 201.

Delete the words "save in the case of a road roller."

Rule 202.

Rule 202(a).—Delete "by the District Magistrate" and substitute "by the Commissioner of Police, Calcutta, in the City of Calcutta including suburbs and elsewhere by the District Magistrate."

Rule 203.

Rule 203(b).—Delete the present sub-rule and substitute the following:—

"(*b*) The Commissioner of Police in the City of Calcutta (including suburbs) by notification in the official Gazette and by erection of suitable notices in English and in the local script, and elsewhere the District Magistrate by notification in a

local newspaper of standing and also by the erection of such notices, may prohibit the use, within such areas or in such places, as may be specified in the notification or local newspapers, as the case may be, of lamps giving a powerful or intense light."

Rule 206.

Rule 206B.—Insert the following rule:—

"Until the 1st day of April, 1941, the provisions of sub-section (2) of section 72 of the Act shall not apply to those motor vehicles which were registered on or before the 1st day of April, 1940."

6th Schedule.

In the first column substitute "or" for "and" in the authority specified in item 1.

9th Schedule.

9th Schedule.—Delete "the District of Darjeeling" from the 9th Schedule.

Forms.

In Form P. Co. S. A. for the reference "see Rule 76(*a*) (*iv*)" substitute "see Rule 67(*a*) (*iv*)."

In Form P. St. P., Part A, item 20 and in Form P. St. S., Part A, item 15, for "Rule 71" substitute "Rule 71A."

The rules be numbered serially and republished.

was then put and agreed to.

Adj

It being now 8 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 17th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 17th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 221 members.

STARRED QUESTIONS

(to which oral answers were given)

Recruitment of the Second Superintendent of Sericulture, Bengal.

*23. **Mr. SASANKHA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) how many applications from qualified persons were obtained by the Public Service Commission, Bengal, pursuant to the advertisement, published in page 1391 of Part II of the *Calcutta Gazette*, dated the 28th December, 1939, in connection with the post of Second Superintendent of Sericulture in the Bengal General Service, proposed to be filled up by direct recruitment from among Muslims (male) who must be British subjects and natives of, or domiciled in, Bengal, or the subjects of the Indian States of Tripura or Cooch Behar; and

(*ii*) why the same post has been readvertised in page 706 of Part II of the *Calcutta Gazette*, dated the 27th June, 1940, throwing it open to all Muslim British subjects or the Muslim subjects of a State in India?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government contemplate the appointment of non-Muslim Bengalis to the post in case qualified Bengali Muslim candidates are not available?

(*c*) Is the Hon'ble Minister aware that there are qualified Bengalis with foreign education and experience for the post?

(*d*) Will the Hon'ble Minister be pleased to state the reason why persons who are already in the department have been debarred from applying for the post?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) The post being reserved for a Muslim candidate, applications were invited from Bengali Muslim candidates only, but none was received from any Bengali Muslim having the requisite qualifications and experience.

(*ii*) It is the present policy of Government that when an appointment is reserved for a candidate of a certain community and no suitable Bengali candidate of that community is available attempts should be made to recruit a candidate of that community from outside Bengal before the appointment is thrown open to candidates of other communities.

(*b*) Yes, for the reasons stated above.

(*c*) Does not arise.

(*d*) It is not ordinarily permissible for departmental officers to apply in cases where recruitment is to be made by the method of selection, as in the present case.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state when the present policy of Government was determined?

The Hon'ble Mr. TAMIZUDDIN KHAN: A few months ago.

Mr. SASANKA SEKHAR SANYAL: In answer (*a*) (*ii*), it is stated that when no suitable Bengali candidate of that community is available, attempts should be made to recruit a candidate of that community from outside Bengal before the appointment is thrown open to candidates of other communities. In this case the question of Muslim arises. Does the Hon'ble Minister mean by the expression "outside Bengal" that it may also be a Muslim outside India?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Mr. SASANKA SEKHAR SANYAL: I do not unfortunately follow the answer to question (*b*), because if it is "yes," then it is in the affirmative, but for the reasons stated above, the reasons are quite different.

Mr. SPEAKER: I think the answer is not clear.

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. Apparently from the trend of the question it was thought that probably the question of non-Bengali Muslims was asked, but actually as it stands it is not so, and from that point of view the answer is wrong.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether one Mr. S. Bagchi who came back from Japan as a University student of Calcutta made an application to the Government, and an assurance was given to him that when the post of the Second Superintendent falls vacant, he will be recruited?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of all those things.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware of any application of this Mr. S. Bagchi and any reply of the Government thereto?

The Hon'ble Mr. TAMIZUDDIN KHAN: A candidate once saw me, and probably he is the gentleman concerned, but whether actually he made an application or not I am not aware of.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*ii*), where it is stated that it is the present policy of Government and so forth, will the Hon'ble Minister be pleased to state when was this change effected to the decision of Government arrived at last year regarding the proportion of different communities in the services in Bengal?

Mr. SPEAKER: You are assuming that a change has been effected. First ask when the decision was arrived at.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that this decision was arrived at a few months ago.

Dr. NALINAKSHA SANYAL: Was any Government communiqué issued?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it was a Government decision as a whole or it was a decision of one department?

The Hon'ble Mr. TAMIZUDDIN KHAN: It was a Government decision.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*i*) that none was received

from any Bengali Muslim if it is a fact that in the decision communicated in the communiqué of June, 1938, it was definitely stated that when suitable Muslim candidates would not be available, the appointment would be thrown open to qualified non-Muslims?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes; that was so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reason why in view of that decision or that policy communicated in the communiqué this post was not thrown open to non-Muslims?

Mr. SPEAKER: He has already said that the policy has been changed.

Dr. NALINAKSHA SANYAL: I want to know the reasons for the change.

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know whether actually there has been a change, because in the previous decision about the distribution of posts between the different communities it was stated that in the absence of qualified candidates from a particular community, the post will be thrown open to other communities. But it was not stated there whether the candidates belonging to that community should in the first instance belong to Bengal and subsequently candidates from outside Bengal would be taken. That point was not made clear in the previous decision, but in the subsequent decision of Government referred to in this answer that question was made clear.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Secretary, Public Service Commission, communicated to Mr. S. Bagchi that the Commission would throw this appointment open to all communities as soon as they saw that no Muslim candidates were available from Bengal?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: This is a question relating to this particular appointment.

Mr. SPEAKER: What I say is this, that you cannot ask this question. You may ask questions about this particular matter.

Dr. NALINAKSHA SANYAL: The previous member had asked the question if Government were aware of any application or enquiry from Mr. Bagchi to the authority inviting——

Mr. SPEAKER: I will not argue with you. I hold that the first part is relevant, but the other part is not.

Mr. SASANKA SEKHAR SANYAL: In view of the answer given by him that it was a decision adopted at the Cabinet, will the Hon'ble Minister be pleased to state the reasons for the adoption of this decision, namely, that a non-Bengali Muslim will be given priority to a non-Muslim Bengali?

The Hon'ble Mr. TAMIZUDDIN KHAN: The reason is obvious. It was intended that first of all there should be an attempt to give the post to the community for which it is reserved.

Dr. NALINAKSHA SANYAL: With reference to answer (*d*), where it is stated that it is not ordinarily permissible for departmental officers to apply so and so, will the Hon'ble Minister be pleased to state what are the extraordinary circumstances under which they may be so permitted?

Mr. SPEAKER: I think it is better to make it clear by asking whether a suitable candidate is not available from the department?

Dr. NALINAKSHA SANYAL: That is my intention.

Mr. SPEAKER: Please ask that clearly.

Dr. NALINAKSHA SANYAL: Will you kindly make it clear whether in case an outside Muslim candidate is not available, it will be permissible for a departmental Muslim candidate to apply for a post of this character?

The Hon'ble Mr. TAMIZUDDIN KHAN: Not ordinarily. Unless he is specially permitted to apply, he cannot do so.

Mr. SPEAKER: The point is, you are having direct recruitment. Under these circumstances, are you permitting departmental officers who are Muslims to apply for that post?

The Hon'ble Mr. TAMIZUDDIN KHAN: In certain cases that could be done, but that depends on the merits of a particular case. The department knows whether actually qualified candidates amongst the officers are available or not. If they are actually available and if

there is no other objection, they can be permitted. I may state here that in this particular case I made an attempt to have the permission of the Governor which is necessary in a case like this for departmental officers applying for this post, but the question of permission being given to departmental officers is under examination and it will be some time before a decision on that question is reached. Therefore, I thought that it would not be proper to delay the recruitment of this officer any longer.

Dr. NALINAKSHA SANYAL: In view of the answer given, will the Hon'ble Minister please state if Government are considering the desirability of holding back this appointment till the necessary permission for a departmental officer to apply for a post like this is obtained?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir, because already there has been a good deal of delay in making this recruitment, and I think it will not be proper to incur any further delay.

Mr. SASANKA SEKHAR SANYAL: Sir, may I say that I put a question to the Hon'ble Minister and he gave a reply, but which I could not exactly understand. Is it the considered decision of Government that a non-Bengali Muslim has a better lien upon these posts than a non-Muslim Bengali?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is a matter of opinion.

Mr. SASANKA SEKHAR SANYAL: Sir, I wanted to know the decision of Government.

Mr. SPEAKER: You can draw your own inference.

Mr. ATUL CHANDRA SEN: Is this policy of importing a candidate from abroad in the absence of suitable candidates of that community being tried to maintain the stipulated percentage of the Scheduled Castes in the Services?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir, this policy will apply to all communities and not to Muslims only. If a post is reserved for a Hindu and a suitable Hindu is not available in Bengal attempts will be similarly made to recruit a Hindu candidate from outside.

Dr. NALINAKSHA SANYAL: Sir, is there any post reserved for any Hindu in this province?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes.

Dr. NALINAKSHA SANYAL: Can the Hon'ble Minister kindly cite one instance where a post has been reserved for a Hindu? Although the Hon'ble Minister replied "Yes," it seems that he does not know that the Hindus have no reservation anywhere. They don't care for reservation. They stand on merit only.

Mr. SASANKA SEKHAR SANYAL: In view of the answer to (*a*) (*ii*) being not in regard to any particular community but all communities in general, may I ask the Hon'ble Minister if similar reservation and similar extensions to territories outside the province are within the cognizance of the Minister outside Bengal? That is to say, my question is whether the Hon'ble Minister knows of the application of any such reservation or extensions to territories of any Government outside the Government of Bengal?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us, in the event of a qualified Muslim candidate not being available in India, what policy will the Government adopt and whether they will bring in a Muslim candidate from Afghanistan or some other place?

(No reply.)

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister please let us know when this policy of Government indicated in answer (*a*) (*ii*) was decided upon?

Mr. SPEAKER: He has already answered that question. That was done some two months ago.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether it is not a fact that when the Gazette notification was made in December, 1939, a particular officer, namely, one Mr. Ruhul Amin, was intended for the post and whether it is not a fact that when it was thrown open to Muslims in general a particular officer of Mysore, namely, one Shamsuddin, was in view?

Mr. SPEAKER: That question does not arise.

(The next question had been called when Mr. Niharendu Dutta Mazumdar rose to put a supplementary question.)

Mr. SPEAKER: I have already called the next question.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I tried to catch your eye several times and as a matter of fact I rose before the next question was called.

Mr. SPEAKER: I have already spent 15 minutes over this question and if you want to put a question I hope you will keep control over Dr. Sanyal. So, I am afraid I cannot allow you to put your supplementary question.

Dr. NALINAKSHA SANYAL: Will you, Sir, allow me to give notice of an adjournment motion on this matter?

Mr. SPEAKER: Yes, if you give proper notice.

Dr. NALINAKSHA SANYAL: I ought to give you notice by 12 o'clock on the day, but I hope that in view of the importance of this subject you will please rescind that rule in my favour.

Mr. SPEAKER: Let me have your notice and I will consider it.

Fodder problem for cattle.

***24. Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that Bengal is an agricultural country; and

(*ii*) that the supply of fodder is not adequate?

(*b*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to release fallow land from Khas Mahal and Forest Departments and where necessary from zemindars, talukdars for their transformation as free pasture land?

(*c*) Are the Government considering the desirability of—

(*i*) creating a fund as pasture land fund; and

(*ii*) bringing in a Bill for the purpose within the term of this Assembly?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) The member is referred to the answer given to clause (*b*) of starred question No. 54 by Mr. Serajul Islam in the February session of the Assembly in 1939, a copy of which is laid on the Library table. The question of releasing fallow land from the Khas Mahal, zemindars

and the Forest Department concerns the Revenue and Forest Departments, but in view of the answer given to the question referred to above, that question hardly arises.

(c) No.

MR. CHARU CHANDRA ROY : খাসমহাল আর ফরেষ্ট ছাড়া অন্যান্য জায়গায় ফড়ার সমস্যার কি ব্যবস্থা গভর্ণমেণ্ট কোরেছেন—মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি ?

Mr. SPEAKER: Your question should be as to whether Government is aware of any definite steps being taken by the zemindars?

MR. CHARU CHANDRA ROY : Sir, আমি জানি যে, জমিদাররা কিছুই কোরছেন না বরং যতগুলি হালট ছিলো—সেগুলিকে খাস করা হোয়েছে। নেপিয়ার ঘাস বোলে একটা জিনিষের ব্যবস্থার কথা ছিলো সে সম্বন্ধেও গভর্ণমেণ্ট কিছুই কোরছেন না।

MR. SPEAKER : Can you expect the zemindars to do anything of this sort with the Floud Commission Report hanging over their heads ?

MR. CHARU CHANDRA ROY : মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন যে জমিদাররা ফড়ার সম্বন্ধে কিছুই কোরছেন না ?

The Hon'ble Mr. TAMIZUDDIN KHAN: Some zemindars are doing something.

MR. CHARU CHANDRA ROY : মাননীয় মন্ত্রী মহাশয় দয়া করে জানাবেন কি কোন্ কোন্ জমিদাররা কি কোরেছেন ?

Mr. SPEAKER: In this case you will have to address the Revenue Department.

MR. CHARU CHANDRA ROY : Sir, মন্ত্রী মহাশয় যে বোলছেন যে এ সম্বন্ধে ব্যবস্থা জমিদাররা কেউ কেউ কোরেছেন। আমি সেই জন্য জানতে চাইছি এ রকম জমিদার কে আছেন যিনি কিছু কোরেছেন।

Motor buses running with excess loads from Apra to Jessore.

***25. Mr. A. M. A. ZAMAN:** (a) Is the Hon'ble Minister in charge of the Home Department aware—

(i) that motor buses running from Apra to Jessore *via* Singha and Rupdia in Jessore always carry an excess of load; and

(ii) that they are never prosecuted for carrying the excess load?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing from January, 1939, to May, 1940—

(*i*) the number of prosecutions that have been made by the Police of Jessore;

(*ii*) the results of such prosecution cases;

(*iii*) the number of times the motor buses and taxis have been inspected by—

(1) the Police Officers,

(2) the District Magistrate,

(3) the Subdivisional Officer,

(4) the Superintendent of Police, and

(5) the Inspector of Police

with

(1) the dates,

(2) time, and

(3) results,

of such inspections?

(*c*) If no inspection has been done, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) No. It is not a fact that the buses plying on the route always carry an excess of load.

(*ii*) No. They are prosecuted when excess load is detected.

(*b*) (*i*) Seven.

(*ii*) Six convicted and one acquitted.

(*iii*)(1) Fifty-one times.

(2) Nil.

(3) Seven times. (Subdivisional Officer inspected to ascertain whether the buses were fit to ply.)

(4) Twice.

(5) Nil.

A statement showing the dates, time and result of such inspections is laid on the Library table.

(*c*) Does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the Inspector went there after giving notice?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Improvement of certain roads between Jessore-Khulna and Calcutta.

*26. **Mr. P. BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) whether the road from Calcutta to Gaighata has been repaired from Road Funds;

(*ii*) what is the amount spent for the purpose;

(*iii*) whether the road from Gaighata to Jessore is a metalled one;

(*iv*) whether Rs. 11 lakhs are going to be spent for the improvement of this portion of the road; and

(*v*) whether Rs. 1½ lakhs are going to be spent this year for the road between Jessore and Singia?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the road from Khulna to Phultala, and that from Singia to Phultala is unmetalled; and

(*ii*) that the said road is not fit for the use of any kind of traffic?

(*c*) What is the length of the portion of the road mentioned in (*b*);

(*d*) If the answer to (*b*) is in the affirmative, what action does the Hon'ble Minister propose to take for the improvement of this portion of the road?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Shrischandra Nandy, of Cossimbazar): (*a*) (*i*) Yes.

(*ii*) Rs. 11·5 lakhs approximately.

(*iii*) Yes, but mainly brick-metalled.

(*iv*) Yes.

(*v*) Not by Government.

(*b*)(*i*) This road is a District Board road and I understand that it is unmetalled except for 8 miles from Khulna to Daulatpur which are metalled.

(*ii*) I have no information on this point.

(*c*) About 26 miles.

(*d*) This road has not been included in Mr. King's report on road development in Bengal and I am not prepared to recommend that it should be improved at the cost of Provincial Revenues or the Road Development Fund.

Mr. P. BANERJEE: Will the Hon'ble Minister please state what is the distance between Khulna and Daulatpur? Is it 8 miles or 5 miles?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid I cannot give the exact mileage without notice as these are district board roads.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*) (*ii*), will the Hon'ble Minister please enlighten us whether his department enquired into the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, these are district board roads and it is the concern of the district board and not of this department.

Mr. ATUL KRISHNA GHOSE: My question is whether Government have any information on the matter. They could have got this information if the department had enquired of the district boards. Why did not the Hon'ble Minister do so?

Mr. SPEAKER: Well, if I had to answer, I would reply that I consulted the district board but that no information was available! (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the road in question connects Calcutta and Khulna direct *via* Jessore?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that from Singha to Khulna the road in question runs parallel to the Railway line?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that in the interests and at the instance of the Eastern Bengal Railway Government are neither prepared to improve the road from the provincial revenues, nor to commend it to the Road Board?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I would only remind the honourable member that all road schemes taken up from Patrol Fund have to get the approval of the Government of India and whether the Government of India are influenced by the Railway authorities in their decision is more than I can say.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reason for the unsympathetic attitude of the Government towards this particular road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Very possibly it will be a competitive road parallel with the Railways.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the reasons why he is not prepared to recommend that it should be improved at the cost of the provincial revenues?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Because it was not recommended by our Special Officer.

Babu NAGENDRA NATH SEN: Has the Hon'ble Minister paid any personal attention to this matter?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether he considers that in his opinion this road is very important?

(No answer.)

Mr. P. BANERJI: With reference to answer (*v*), who is paying this 1½ lakhs?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: From the question it appears my friend knows better than me. As I have stated, not by Government.

Mr. P. BANERJI: Who is going to spend the money?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be by the district board.

Stabilisation of jute price in Bengal.

*27. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(a) the comprehensive scheme or schemes, if any, approved by Government for the stabilisation and raising of jute prices in the Province, particularly in the coming season;

(b) the details of the scheme adopted by Government for the purchase of raw jute of the last season through the agency of Messrs. Chhaganmull Tularam of Calcutta;

(c) what are the legal power or powers by virtue of which Government have undertaken the purchase of baled jute and have appointed the agents;

(d) how the agents and the brokers have been selected and what are the terms under which they have been appointed for the purpose;

(e) what maximum financial obligations have been undertaken by Government in this connection; and

(f) from which particular provision in the current year's budget the amount required for meeting the obligation is to be found?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) The fundamental basis of Government's plan for the maintenance and stabilisation of the price of jute is the regulation of future crops commencing with the crop to be sown in 1941. Pending the enforcement of this essential policy and for the purpose of maintaining jute prices at the best level obtainable in present circumstances and in the present conditions of world trade as affected by international events, Government have approved, after negotiations with the trade, an arrangement whereby the mills in India who are by far the largest consumers of raw jute in the world will at least up to the end of December, 1940, pay prices which will not be allowed to fall below the following level:—

	Middles.	Bottoms.
	Rs. a.	Rs. a.
European Jat and District ...	9 8	8 0
Indian Jat ...	8 8	7 8
Indian District ...	8 0	7 0

Considering the present uncertainties of the international situation and the consequent uncertainty and difficulty of foreign trading, the loss

of markets in Europe, the size of the 1940 crop and all other relevant factors affecting jute prices, Government are satisfied that the level of prices indicated by the figures quoted above, which it must be noted is a bottom and not a fixed or top level, is as good as can be obtained consistent with the largest possible consumption of raw jute during the coming season.

It has also been arranged that before the end of December, 1940, representatives of Government and the mills will again meet to discuss the position as it may then be with a view to deciding the lowest level of prices at which the mills will operate for the remainder of the season.

The efforts of Government are at present chiefly directed towards maintaining the effectiveness of the arrangement detailed above both by propaganda among the growers whose co-operation is essential and by keeping a watchful eye on market conditions in Calcutta for the avoidance of the artificial depression of prices by panic and manipulation. Measures for the better regulation of loose jute markets in and near Calcutta are being worked out and it is hoped that legislation for this purpose and for preventing the adulteration of jute will be ready for introduction at an early date. Measures for improving the holding power of growers are also under active investigation.

(*b*) The principal details of the scheme adopted by Government for the purchase of old crop through Messrs. Chhaganmull Tularam are, as already announced, that this firm would purchase as from time to time instructed by Government, *pucca* bales of the quality known as "L.J.A. Actual First Marks" at prices fixed by Government in consideration of sellers' offers in the market; purchases would be made only through a number of firms of experience and high repute in the *pucca* bale trade; quality of jute purchased would be guaranteed either by the agents themselves or by written 18 months' guarantee of the sellers or settled by arbitrators in accordance with recognised trade custom; jute purchased would be stored by the agents and insurance arranged by them at current standard rates with an Insurance Company of good standing.

The principal terms arranged with the agents and duly embodied in a formal legal agreement with them were as follows:—

Commission—1 per cent.

Storage—8 annas per bale per annum.

Handling—3½ annas per bale for import.

Handling—3½ annas per bale for export.

Insurance—Current standard rate, which is 1¼ per cent. at present.

(*c*) The ordinary powers of Government to make purchases and appoint agents.

(*d*) The agents and brokers were selected by the Special Officer for jute after consultation with trade interests and their appointment was approved by Government.

The terms arranged with the agents have been stated in answer to (*b*) above. No terms were arranged with other firms who operated on their usual trading terms with the sellers.

(*e*) Government approved expenditure on this account up to a maximum of Rs. 30 lakhs.

(*f*) No particular budget provision. Expenditure has been met from provincial balances.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), regarding the comprehensive scheme or schemes, will the Hon'ble Minister be pleased to state if the answer gives the complete scheme or schemes or are there also other schemes up his sleeves?

The Hon'ble Mr. TAMIZUDDIN KHAN: For our present purpose that is all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the ordinance for the Jute Futures Markets, both for hessian and jute, does not come under the Government scheme for the stabilization of prices?

The Hon'ble Mr. TAMIZUDDIN KHAN: Practically no.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*i*) where it is said that Government have approved after negotiations with the trade, which were the interests in the trade, if not, which were the firms in the trade, with which Government had consultations?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Jute Mills Association.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any arrangement has been made with such trades that they would be compelled to purchase if they did not effectively purchase for a number of days or weeks?

The Hon'ble Mr. TAMIZUDDIN KHAN: They will purchase till December, according to their requirements.

Dr. NALINAKSHA SANYAL: Probably [illegible] am also aware of a paper sort of assurance obtained from the Jute Mills Association, but for the last few days, in spite of this paper agreement, there has not been any purchase by them. I was just wondering——

Mr. SPEAKER: I understand the mills will purchase, but is there anything in the arrangement by which mills will generally purchase all through the year? That is what Dr. Sanyal wants.

Dr. NALINAKSHA SANYAL: I want to know whether Government can compel them to purchase if they do not propose to purchase for a number of days or weeks?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is in the negative.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government have any scheme or schemes to relieve the cultivators in regard to their sales in case the gentlemen concerned, *i.e.*, the persons with whom the gentlemen's agreement was arrived at, refuse to purchase for months?

The Hon'ble Mr. TAMIZUDDIN KHAN: They are not politicians; they are businessmen. I cannot visualise at all that they will refuse to purchase for months if they are actually in need of jute.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if as businessmen these so-called gentlemen propose to wait for the actual effective prices to come down for weeks, it will not be possible for them to wait for better prices in their sense *i.e.*, lower prices?

The Hon'ble Mr. TAMIZUDDIN KHAN: They have agreed that they will purchase at these prices or rather at prices not lower than these, and we have every reliance on them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have any alternative scheme in case they do not purchase for weeks or months? Have Government any alternative scheme? I want to know "Yes" or "No".

Mr. SPEAKER: You are asking too much at this stage. If I had been the Minister, I would have replied that it was not in the public interest. (Laughter.)

Dr. NALINAKSHA SANYAL: Yes, Sir, I quite see that it is not in the public interest that the Minister should reply.

Will the Hon'ble Minister be pleased to state if he is aware that at the present moment raw jute is selling at mufassal centres at prices very much below the scale of prices stated in his answer?

The Hon'ble Mr. TAMIZUDDIN KHAN: The question is rather vague. I know something about the mufassal prices and I know that the prices are not uniform throughout the province. At one place it is say 4 annas higher; at another place it is 4 annas lower. Unless my honourable friend puts a specific question, I am not in a position to reply.

Dr. NALINAKSHA SANYAL: May I know what were the prices at Sarishabari and at Sirajganj last week?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say that offhand.

Dr. NALINAKSHA SANYAL: As the Hon'ble Minister has himself stated just now, if I put a specific question he can give me a reply. I want to know whether the prices in those two places are anywhere near the prices quoted in the answer?

The Hon'ble Mr. TAMIZUDDIN KHAN: But these are Calcutta prices—my honourable friend should not forget that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the difference in prices is Re. 1?

Mr. SPEAKER: It cannot be one rupee; it must be higher.

Dr. NALINAKSHA SANYAL: All right, Sir. Is the difference between the prices of Sirajganj and Calcutta Re. 1-8?

The Hon'ble Mr. TAMIZUDDIN KHAN: My honourable friend, I think, is not clear in his question.

Mr. SPEAKER: He wants to know whether Government have any information as to what price is now raging in the mufassal.

Dr. NALINAKSHA SANYAL: It is very well known that in places like Sirajganj there is a difference of Re. 1-8 and in Mymensingh of Rs. 2. That is the maximum one can deduct, so that I would just

like the Hon'ble Minister to make it clear if it is his information that in the mufassal centres, where jute is selling now, the cultivators are getting proportionate prices?

The Hon'ble Mr. TAMIZUDDIN KHAN: As far as I know, the cultivators are getting almost proportionate prices. In some places they are getting proportionate prices and in some places they are getting prices which are not actually proportionate, and they are getting either a few annas more or a few annas less, and we are taking steps, so that they may not come forward to sell their jute below certain specified prices.

Maulvi MUHAMMAD ISRAIL: Is the Hon'ble Minister aware that in the mufassal centres, *e.g.*, in Kishoreganj and some other centres jute is selling at Rs. 6 or Rs. 6-8 or Rs. 6-12?

Mr. SPEAKER: He has answered your question. He has said roughly about Rs. 7.

Maulvi MUHAMMAD ISRAIL: But, Sir, there is a difference of Rs. 2 to Rs. 2-8. There should be a difference of Re. 1 to Re. 1-4, but we find the difference between the prices of Calcutta and mufassal centres much higher.

(No reply.)

Dr. NALINAKSHA SANYAL: With reference to the fourth paragraph where it is stated: "Measures for the better regulation of loose jute markets in and near Calcutta are being worked out," will the Hon'ble Minister be pleased to state whether Government is contemplating or desiring to control these loose jute markets or whether Government is considering any purchase on its own account?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government have not come to any decision yet so far as these matters are concerned.

Dr. NALINAKSHA SANYAL: With reference to the answer regarding improvement of the holding power of growers, which is stated to be under active investigation, will the Hon'ble Minister be pleased to state what are the measures under contemplation with regard to the increase of holding power?

(No reply.)

Mr. SPEAKER: Dr. Sanyal, please abandon the questions. It seems that you have come to the end of your questions.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that when Government decided to buy jute most of the jute had already passed from the hands of the cultivators; or shall I frame the question in another way? Is it a fact that the middle men have been benefited and not the cultivators?

Mr. SPEAKER: It is very difficult to discuss this through supplementary questions. You ought to realise that these are prices for December after the regular season is over, and this is a step which Government has taken in anticipation of the market falling owing to heavy production.

Mr. JOGESH CHANDRA GUPTA: Is it a fact that Government has purchased about 50,000 *pucca* bales at Rs. 58 or Rs. 59 and, if so, will Government state what is the profit to-day?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, Government has purchased about 50,000 bales, but as regards the actual price it may be a little lower or a little higher than what my friend stated.

Dr. NALINAKSHA SANYAL: Will the——

Mr. SPEAKER: Let Mr. Gupta finish first.

Dr. NALINAKSHA SANYAL: But it is my question, Sir. (Laughter.)

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether on the purchase of 50,000 bales Government is to-day in a losing position or is gaining?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government did not enter into the purchase for the purpose of gain.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with regard to answer (*b*) whether the arrangement for this purchase had any reference to the new crop or relates to the old crop only?

The Hon'ble Mr. TAMIZUDDIN KHAN: The old crop only.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the date or dates up to which these 50,000 bales were purchased?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Dr. NALINAKSHA SANYAL: Is it a fact that there has been no purchase after the 29th June?

The Hon'ble Mr. TAMIZUDDIN KHAN: It may be so.

Dr. NALINAKSHA SANYAL: Is it a fact that certain *fatka* market dealers had to close their accounts on the 29th June?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: It does arise, Sir. Is it a fact that these purchases of old crop were in the interest of certain interested persons in the *fatka* market and not in the interest of the cultivators?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact——

Mr. SPEAKER: Order, order. Dr. Sanyal, you are now making certain allegations. Now if allegations are to be made, I cannot allow the question. I am sorry. Next question please.

Dr. NALINAKSHA SANYAL: Sir, I have got one or two questions more.

Mr. SPEAKER: I am sorry, I have already called out for the next question.

Dr. NALINAKSHA SANYAL: It is a very important question. We still have got half an hour more for questions. Besides, other members did not get any time to put questions.

Mr. SPEAKER: You did not give them any chance! (Laughter.)

Mr. SURENDRA NATH BISWAS: Sir, I have not had any opportunity to ask questions.

Mr SPEAKER: Unless you rise in your seat, I am not prepared to give you any chance.

Yes, Mr. Banerjee.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether according to the ordinance passed by this Government and placed before this House on the 15th July, the price of jute was fixed at Rs. 60 per bale?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*e*), where Government have stated that they have approved expenditure on this account up to a maximum of Rs. 30 lakhs, will the Hon'ble Minister be pleased to state whether it relates to Rs. 30 lakhs allotted within this financial year or for the wholesale purchase?

The Hon'ble Mr. TAMIZUDDIN KHAN: Rs. 30 lakhs in all.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether they are buying jute at less than Rs. 60?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government are not buying at all at present.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state to whom does the jute which has been purchased belong?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether Government purchased any jute or not?

Mr. SPEAKER: The Hon'ble Minister has said that Government have purchased 50,000 bales.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state at what price they purchased and whether it was below Rs. 60?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think the price was from Rs. 57 to Rs. 59.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if at the present moment Government is running a loss of nearly Rs. 10 lakhs on this purchase?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us, since they themselves issued an ordinance fixing the price at Rs. 60, what was the reason of purchasing at a rate between Rs. 57 and Rs. 59?

The Hon'ble Mr. TAMIZUDDIN KHAN: My friend forgets that the price was fixed in the *fatka* market, but the price outside the *fatka* market was below that fixed by Government and there was no reason for Government to purchase at a higher rate outside the *fatka* market.

Dr. NALINAKSHA SANYAL: Is it a fact that when Government purchased these *pucca* bales in the outside market, the actual delivery rate for non-Government deliveries was very much below the rate quoted by the Hon'ble Minister, viz., from Rs. 57 to Rs. 59?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not remember what the delivery rates were. But the market rate was about the level at which Government purchased.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any arrangement was made to ascertain whether agents were selling their own stock and getting the margin to themselves when the market rate was lower and they were acting as agents of Government for getting this profit?

The Hon'ble Mr. TAMIZUDDIN KHAN: Under the agreement the agents also could sell to the Government a limited quantity.

Dr. NALINAKSHA SANYAL: I would like to know if any arrangement has been made with the agents whereby Government can control them from selling either their own jute to Government or the jute belonging to their own *benamdars* and thereby making a profit.

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, a specific agreement has been entered into to the effect that the agents will not be in a position to sell more than a particular number of bales in a month or in a week.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that a Government press note was recently published stating that the price of jute in the mufassal has fallen to about Rs. 4 at some places?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why Government did not fix the minimum price of loose jute in the rural market?

Mr. SPEAKER: That question does not arise.

Jute Conference held at Darjeeling.

***28. Mr. ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether the representatives called by the Government to the Jute Conference held at Darjeeling in the first week of May, 1940, were paid any travelling allowance and halting allowance; and

(*ii*) whether the representatives who attended the Conference were of Calcutta?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the amount incurred as expenditure by the Government for the purpose; and

(*ii*) the amount of probable expenditure that would have been incurred if the Conference had been held in Calcutta?

(*c*) Did the Government take into consideration the possibility of incurring less expenditure by holding the Conference in Calcutta?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) No.

(*ii*) Yes.

(*b*) and (*c*) Do not arise.

MR. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ কোরে বোলবেন, Bengal Jute Enquiry Committee যে রিপোর্ট দিয়েছেন সেখানে সমস্ত বিষয়ের বিবেচনা করা সত্বেও আবার নূতন কোরে conference ডাকার কি হেতু ছিলো?

The Hon'ble Mr. TAMIZUDDIN KHAN: My friend is wrong. The Jute Enquiry Committee Report was already examined—of course the examination was not finished.

MR. CHARU CHANDRA ROY: যদি পাট সম্বন্ধে কোন তদন্ত করা গভর্ণমেণ্ট বিবেচনা কোরছেন যে ঠিক হবে তবে Jute Enquiry Committee র কাছে এ জিনিষটা report কেন করা হ'লো না—মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ কোরে পরিষদকে জানাবেন?

The Hon'ble Mr. TAMIZUDDIN KHAN: It reminds me of the old story of the tiger on the platform. (Laughter.) It was necessary to come to an immediate decision which could not be done by referring the matter to the Jute Enquiry Committee.

Dr. NALINAKSHA SANYAL: What was the immediate objective of this Conference?

The Hon'ble Mr. TAMIZUDDIN KHAN: To maintain the price of jute at a proper level.

Dr. NALINAKSHA SANYAL: What was the immediate outcome of this Conference?

The Hon'ble Mr. TAMIZUDDIN KHAN: The prices were falling and Government naturally became apprehensive and called this Conference to consider the situation.

Dr. NALINAKSHA SANYAL: Sir, I wanted to know what was the measure that was adopted as a result of the Conference.

Mr. JOGESH CHANDRA GUPTA: Sir, may I make the question more explicit? What was the measure adopted by Government either before going to the Conference or as a result of the deliberations of the Conference?

(No reply.)

Dr. NALINAKSHA SANYAL: Is it a fact that Raw Jute and Hessian Futures Ordinance was issued immediately after the Conference?

The Hon'ble Mr. TAMIZUDDIN KHAN: Shortly after that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the opinion of the Conference was sought in regard to this question, viz., the issue of the ordinance?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. At that time, Government were contemplating the issue of the ordinance and that matter was stated in the Conference.

Dr. NALINAKSHA SANYAL: What was the general concensus of opinion of the Conference in regard to this matter?

Mr. SPEAKER: That question does not arise.

Communal ratio in the clerical establishment of Bakarganj Collectorate.

***29. Mr. JOGENDRA NATH MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the Bakarganj Collectorate—

(*i*) the present number of permanent clerks both in the upper and lower divisions;

(*ii*) the number of peons;

(*iii*) the number of those referred to in (*i*) and (*ii*) that are—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes; and

(*iv*) the names of Scheduled Caste peons?

(*b*) Is it a fact that the number of permanent clerks belonging to the Scheduled Castes is not in proportion to the communal ratio?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Minister considering the desirability of filling up the future vacancies by the Scheduled Caste candidates till their proportion is reached.

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*)—

	Clerks
(1) Upper division	18
(2) Lower division	124
Total ...	142

(*ii*) 122 (including process-serving peons).

(*iii*)

Clerks.	Upper division.	Lower division.	Total.
(1) Caste Hindus ..	11	63	74
(2) Muslims ..	6	47	53
(3) Scheduled Castes ..	..	11	11
(4) Other communities	1	3	4

Peons (including process-serving peons)—

Caste Hindus	29
Muslims	88
Scheduled Castes..	5
Total ..	122

(*iv*) Ram Charan Singh, Kali Nath Das, Rajkumar Haldar, Chandi Charan Mistri and Benode Behari Mistri.

(*b*) Yes.

(*c*) The future vacancies will be filled up in accordance with the instructions contained in the Bengal Services Recruitment (Communal Ratio) Rules, 1940, and the member's attention is invited in particular to sub-rule (*3*) of rule 7 which provides the manner in which the deficiency will be made good.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), where the Bengal Services Recruitment (Communal Ratio) Rules, 1940, have been mentioned, will the Hon'ble Minister be pleased to state if that particular rule or rules have been made available to the members of the Assembly?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Dr. NALINAKSHA SANYAL: It is a matter for the Speaker's Department, Sir. When there is a reference to the Rules, it is always the practice to say that they are placed on the Library table.

Mr. SPEAKER: Sir Bijoy, if members want, this will have to be placed on the table unless you say that it is confidential.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is for the Home Department to answer that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in that Bengal Services Recruitment (Communal Ratio) Rules, 1940, there is a provision by which when a non-Bengalee Mussalman——

Mr. SPEAKER: I am sorry, that question does not arise.

Dr. NALINAKSHA SANYAL: Sir, may I have a copy of the Rules?

Mr. SPEAKER: I will see to it.

Mr. YOGENDRA NATH MANDAL: With reference [illegible] (*a*) (*iii*), we find from the statement that there is not a single Scheduled Castes clerk in the Upper Division. Will the Hon'ble Minister be

pleased to state if he is aware that among the Lower Division clerks belonging to the Scheduled Castes, there are a few who are sufficiently qualified to be promoted to the Upper Division?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a matter of opinion, and the opinion of the heads of departments prevails there.

Mr. SPEAKER: That question does not arise. Next question.

Mr. JOGENDRA NATH MANDAL: I want to ask two or three more supplementary questions.

Mr. SPEAKER: As I have called for the next question, you cannot put any more supplementary questions now. Will you please sit down?

Mr. JOGENDRA NATH MANDAL: If we are deprived of this right, the right which is seldom given——

Mr. SPEAKER: I am sorry, I must say that most of you are ignorant as to how the supplementary questions should be put. But I was——

Mr. JOGENDRA NATH MANDAL: But, Sir, we are being deprived of——

Mr. SPEAKER: Then the question should have been put in a proper way. I am sorry I cannot tell you now as to how to put this question.

(Mr. Jogendra Nath Mandal wanted to say something.)

Mr. SPEAKER: Will you please sit down?

(Mr. Mandal did not resume his seat.)

Mr. SPEAKER: You are obstructing the proceedings of this House. I am sorry I will have to name you if you obstruct it. Will you please sit down?

Mr. JOGENDRA NATH MANDAL: In view of the treatment meted out to me, I must leave the House.

(Mr. Mandal then left the Chamber.)

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Enquiry into the affairs of Bengal Veterinary College.

13. Maulvi ABDUL LATIF BISWAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that an enquiry into the affairs of Bengal Veterinary College was ordered by the Government?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) who was ordered to enquire into the affairs;

(*ii*) whether the enquiry has been finished; and

(*iii*) whether any report has been submitted to the Government?

(*c*) If the answer to (*b*) (*iii*) is in the affirmative, will the Hon'ble Minister kindly state—

(*i*) when the report has been submitted to the Government; and

(*ii*) whether any action has been taken on the said report?

(*d*) Do the Government intend laying on the table a copy of the report submitted to the Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) (*i*) The Commissioner of the Presidency Division.

(*ii*) and (*iii*) Yes.

(*c*) The report was received some time ago and in accordance with rules has been referred to the Public Service Commission for advice.

(*d*) No.

Mr. ABDULLA-AL MAHMOOD: In view of the fact that the enquiry was started at the instance of this Assembly, what are the reasons for Government not laying the report on the table of this Assembly?

The Hon'ble Mr. TAMIZUDDIN KHAN: My friend is not fully correct when he says that the enquiry was initiated on account of some happenings in this House. It was not so.

Mr. ABDULLA-AL MAHMOOD: My point is that direct allegation was made against the Veterinary College on the floor of this House and in view of the fact that an enquiry was started——

Mr. SPEAKER: This is no time for argument.

Mr. ABDULLA-AL MAHMOOD: In view of the fact that an enquiry was started at the initiative of or the direct allegation made by this Assembly what are the reasons for not——

Mr. SPEAKER: He has answered that question.

Mr. ATUL KRISHNA GHOSE: On a question of privilege. Just now you have said that almost all of us are ignorant about putting supplementary questions. Is that a complimentary remark? (Laughter.)

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the date when the enquiry was finished and the date when the report was submitted to Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am sorry the whole file is now before the Public Service Commission. The enquiry was finished and the report was submitted, I think, in October last.

Price of Jute in mufassal districts.

14. Mr. A. M. A. ZAMAN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that according to a Jute Ordinance no one will be able to buy or sell jute at a price below Rs.60 and above Rs.90 under penalty of prosecution by the Government?

(*b*) If so, what will be the rate of buying or selling price in *mufassal* districts?

(*c*) Do the Government contemplate issue of a communiqué, fixing a rate of prices for buying and selling jute in *mufassal* districts with a list of the names of such districts? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No.

(*b*) Does not arise.

(*c*) No, because it is impracticable under present circumstances to do so.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the jute ordinance referred to in question (*a*) was intended for the purpose that the jute-grower in the mufassal might get a fair price for the jute?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government considered the fact that the fixation of the jute price in the futures market would not debar any buyer to offer a very low price in the mufassal and whether they considered that aspect of the case?

The Hon'ble Mr. TAMIZUDDIN KHAN: My friend is speaking about the mufassal only. Not only in the mufassal, but even in Calcutta the fixation of price in the *fatka* market would not prevent the jute purchaser from offering low price.

Mr. SURENDRA NATH BISWAS: I am thinking of mufassal and not of Calcutta people. In view of the fact that price has been falling from a long time, is the Government considering the desirability of fixing a minimum price for the rural market, so that the jute-grower when selling his jute in the rural market may get the benefit of a fair price?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government has considered that question.

Mr. SURENDRA NATH BISWAS: When will the Government come to a decision with regard to the fixation of a minimum price in the rural market?

The Hon'ble Mr. TAMIZUDDIN KHAN: For the time being they have come to a decision.

Mr. SURENDRA NATH BISWAS: Is it a fact that by the agreement between the jute mills and the Government some prices have been fixed? These prices relate to the price at which jute mills will purchase the jute in Calcutta? When that is the case, is there any bar for any buyer to offer a very low price, say, Rs. 3 or Rs. 4 per maund to the jute-grower in the mufassal?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Mr. SURENDRA NATH BISWAS: That being the position, does the Government consider the desirability of taking immediate steps for fixing a minimum price of jute for the mufassal market?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that Government have considered that question.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether Government will consider the desirability of employing the 30 lakhs in purchasing jute from the growers at the minimum price of Rs. 7 per maund instead of going in for *pucca* bales?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir. The 30 lakhs have already been spent.

Mr. JOGESH CHANDRA GUPTA: You can dispose of the *pucca* bales and try to come to the rescue of the poor cultivators.

Mr. SPEAKER: The point is that the Government is considering the desirability of purchasing the jute at a fixed price from the growers in the mufassal instead of keeping that money locked up in *pucca* bales which does not benefit the growers.

The Hon'ble Mr. TAMIZUDDIN KHAN: I must answer this question by putting another question. How many bales does my friend desire the Government to purchase?

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the holding power of the jute-grower is very low and the jute-grower is selling jute almost every day in the rural market at a very low price?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said, Sir, that jute is being sold and whether the price is low or not is a question of opinion.

Grievances of the employees in the Court of Wards.

15. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether there is a ban on the Court of Wards employees in the matter of representing their grievances to the authorities for redress; and

(*ii*) whether the qualified and experienced clerical staffs are debarred from promotions to the executive posts?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of removing the ban?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) No.

(*ii*) No, but recruitment of executive officers is ordinarily made from probationers trained in the Court of Wards system of management including settlement training and only in exceptional cases recruitment is made from ministerial officers of the Court.

(*b*) Does not arise.

Increasing provincial revenue by reclaiming non-culturable lands.

16. Mr. MIRZA ABDUL HAFIZ: (*a*) Is the Hon'ble Minister in charge of the Revenue Department considering the desirability of making a survey of—

(1) the culturable, and

(2) non-culturable lands in Bengal;

(3) the number of *bils* and their areas;

(4) the area of jungles;

(5) the area of unfertile non-culturable lands;

(6) the area of *bils* that can be brought under cultivation in each district by adopting an irrigation measure and rough estimate for the same; and

(7) the area of the jungles that can be brought under cultivation?

(*b*) Will the Hon'ble Minister be pleased to state whether the possibility of increasing revenue of the Province by improvement of the areas referred to in (*a*) has been brought to the notice of the people by propaganda, namely, by free distribution of notices, pamphlets, booklets, etc.?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No. The information regarding the area of current fallow, culturable area (including culturable jungle) other than current fallow and area not available for cultivation (including area covered by water) in any district is contained in the Final Report on the Survey and Settlement Operations of the district. As to the possibility of and estimates for reclaiming *bils* by irrigation measures the member is referred to Communications and Works (Irrigation) Department.

(*b*) No.

Fixation of a date for Resolution on Jute Ordinance.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I have got my adjournment motion ready.

Mr. SPEAKER: There is no hurry about it. There is another matter and I am anxious to settle that—it is about a date to be fixed for a resolution which has been give notice of in connection with the jute ordinance. A resolution has been given notice of disapproving the jute ordinance. So I would like to know as to what date Government is proposing for its discussion.

Mr. SIBNATH BANERJEE: In this matter Government have been always fixing dates, but no discussion has yet taken place. This is the fifth ordinance of the kind.

The Hon'ble Mr. TAMIZUDDIN KHAN: Will it be convenient if this is taken up to-morrow?

Mr. SPEAKER: I have no objection if it is taken up to-morrow. The only point which I want Government to consider is this. It seems to be the contention of Government that this is a non-official matter. I have not yet come to any definite conclusion, but my opinion for the time being is that it is not a non-official matter. I see Sir Nazimuddin is present here. I am saying about the fixation of a date for the discussion of the jute ordinance. You will realise that this is a statutory duty which is to be done, but unfortunately our time-table had been so arranged in the past that every time an ordinance came up, though a resolution was brought before the House, the House had no opportunity to discuss that. I feel as one who is responsible for seeing that these rules and constitutional acts are actually given effect to, it is not fair to the members that no opportunity should be given to discuss this ordinance.

It seems to me that it is the contention of Government that this is a non-official business. I have got my own doubts about this. The line of demarcation is this, that, whereas a non-official resolution or a non-official Bill comes at the initiative of a private member, this resolution comes as the outcome of an action of Government in promulgating an ordinance, and just as when a Government Bill is concerned, you bring in a Bill and the members give notice of amendments which are considered on an official day, similarly I feel that this also is a matter which should be taken up on an official day. My difficulty is this, that under the rules I have got no power to admit this resolution on a non-official day. If I had that power I would certainly have acted on it. But, unfortunately, as the rule stands, the order of the

ballot, unless it comes under Rule 93, dealing with special motions, is to be followed. That means to say that I have to take this resolution after a ballot. But that would be inconsistent. So I hope you will kindly consider the matter and give the decision of Government to-morrow as to whether in the circumstances it is not desirable to fix a day for the purpose of considering this Bill. In case that is not done, I shall have no other alternative but to fix a Saturday morning for the purpose of discussing the matter; otherwise, it will have to be done on an official day.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: May I have your permission, Sir, to put in this notice of an adjournment motion about which I made mention during Question time?

Mr. SPEAKER: Not to-day; not now.

Dr. NALINAKSHA SANYAL: There is a certain recognised procedure in regard to adjournment motion on Questions, and that is, that if a question is not satisfactorily answered, then the remedy lies in moving an adjournment of the House and there are precedents in the British Parliament and elsewhere.

Mr. SPEAKER: I quite appreciate your point. But it need not be done to-day. There is no harm if it is postponed till to-morrow. It is not such an urgent matter that it cannot be taken up to-morrow.

Dr. NALINAKSHA SANYAL: All right, Sir, I bow to your decision.

Late Amendments.

Mr. SPEAKER: There is another matter to which I want to draw the attention of the House.

As regards the Co-operative Societies Bill, honourable members must have received a very huge late list containing about 200 late amendments, the majority of them being from the Hon'ble Minister in charge. But I am surprised to find that there has been no explanation from the Government side for the delay as to why the notice has been given so late after the time had expired.

The Hon'ble Mr. MUKUNDA BEHARY MULICK: I was just going to refer to this question in this House, Sir——

Mr. SPEAKER: It is not a question of referring the matter to the House, but some explanation should have been given to the Speaker as to why the amendments were so much delayed.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am offering my apology, Sir, for what has been done.

Mr. SPEAKER: I am surprised that your department absolutely took no notice of the fact that the Speaker's permission was necessary for a motion to be admitted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I thought——

Mr. SPEAKER: There is no question of your thinking. Your department ought to have known that under the rules the Speaker's permission is necessary to have an amendment admitted. Simply to send a motion at the eleventh hour is not to ensure its admission.

Dr. NALINAKSHA SANYAL: We have strong objection to these short-notice amendments, particularly in view of the fact that there are a number of amendments given notice of by the Government which appear to be identical with some of mine.

Mr. SPEAKER: So far as that is concerned where proper notice has been given, I will give priority to it.

Dr. NALINAKSHA SANYAL: Yes, Sir, the Hon'ble Minister will have to eat the humble pie and accept my amendments.

Mr. SPEAKER: I am surprised that no sort of an explanation came from the department. They ought to have known that mere giving of notice does not automatically admit an amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was due to a change in the office staff in the higher ranks.

Mr. SPEAKER: Certainly you do not mean to say that nobody else in your department knows these rules.

Mr. SANTOSH KUMAR BASU: The department is the spoilt child of Government and that is the reason, Sir.

Mr. SPEAKER: Oftentimes I find Hon'ble Ministers and Secretaries sending me telephone messages that under certain circumstances they could not send in their amendments or motions in time, but that they would do so on the following day. But so far as these 174 amendments of the Hon'ble Minister are concerned, nothing of this sort was heard about them or intimated to me. Under such circumstances, it is quite open to me to reject these amendments straightway. But in that case not only will the Bill be delayed, but public revenues would suffer to the extent of many thousands of rupees. I am not responsible for the policy of Government, but all I can say is that arrangements should have been made to leave instructions in the office in this matter.

Dr. NALINAKSHA SANYAL: Besides, Sir, there was plenty of time. The department had more than two years to think out their amendments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I regret very much, Sir, that this should have been done.

Mr. SPEAKER: I think that next session I will have to recommend to this House that the power of the Speaker to admit short-notice amendments should be taken out altogether, because I find that every time Government has been giving notices of Bills and short-notice amendments so that if these rules are going to be violated in this way it is better that this power be taken out of the rules.

Dr. NALINAKSHA SANYAL: There is this submission from this side of the House, Sir, that in case you are pleased to admit short-notice amendments from the Government side, you will also do the same for amendments sent by us on this side of the House.

Mr. SPEAKER: As a matter of fact, in the first instance, I rejected many non-official amendments of which notices were received too late, but, in view of the fact that I had to accept so many late amendments from the Government, I have admitted the former ones, and not only that. So far as these amendments are concerned wherever proper notice has been given priority will be given to them.

Dr. NALINAKSHA SANYAL: The fact, Sir, is this that your own department is not altogether free from the Government departments.

Mr. SPEAKER: Now the Hon'ble Minister will please move his motion.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1938.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that, under the proviso to sub-rule (2) of Rule 19 of the Bengal Legislative Assembly Procedure Rules, the Bengal Co-operative Societies Bill, 1938, be continued.

The motion was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I also beg to move that the said Bill as reported by the Select Committee be taken into consideration.

In submitting this motion to the House I need only say at this stage that the Select Committee went into very great detail with respect to each and every provision of the Bill, and I shall be failing in my duty if I were not to acknowledge with gratitude the services of my honourable friends, the members of the Select Committee, while they sat for no less than 41 days and on each one of these days for very long hours.

Sir, the changes that have been introduced in this Bill by the Select Committee have been practically on an agreed basis except one or two matters with respect to which some of our friends could not see eye to eye with the majority. Sir, it is not necessary for me at this stage to acquaint the House with all the changes that have been introduced in the Bill by the Select Committee. But even then I feel that I must bring to the notice of the House some of the changes which seem to me to be rather of an important character. Sir, by a change in clause 10 the Select Committee thought that some of the powers which are of a drastic character should not be delegated by the Registrar to any of his officers and a schedule has been attached to the Bill which shows the powers which can never be delegated by the Registrar to any of his subordinate officers. By a change in clause 18, some power has been given to the financing banks to ask their constituents to effect a change in their by-laws and on their taking measures contemplated in that clause, a report will be made to the Registrar who will make final orders thereupon. A representation of societies consisting of a large number of members and spreading over large areas by delegation has been contemplated by a change in clause 22. By the addition of clause 23(*a*), a practice which is now in vogue in supplying the central banks with the services of departmental officers, has been sought to be legalised. Clause 33, which was clause 37 in the original Bill, not only empowers Government but makes it obligatory upon Government

to guarantee the principal and interest of the debentures that may be floated by the financing banks. By a change in clause 45, a society is empowered to require a landlord to give proper notice of any rent suit that may be instituted against any of its members. The last portion of the clause which suggests that failing such a notice no decree could be made, has been deleted. By a change in clause 47 the loan that is obtained for irrigation purposes has been made the first charge not only upon the crop but also upon the land irrigated, and lastly, Sir, I would call the attention of the House to a change in clause 113 whereby the land mortgage banks would be given notice of any sale that may be sought to be held for arrears of revenue or rent so that they may take proper steps to see that the arrears are paid off. Now, Sir, these are some of the principal changes that the Select Committee have made besides many others in the Bill, which, as I have submitted a moment ago, have been practically on an agreed basis with the exception of only a few.

Now, Sir, I express my gratefulness once again to my hon'ble friends, the members of the Select Committee, for giving so much of their time and thought to make the Bill a workable one, by removing some of its obnoxious features (Rai HARENDRA NATH CHAUDHURI: Not all the obnoxious features) and to make it of such a character as would really conduce to the improvement of the movement.

Sir, I owe an explanation to the House and an apology to my hon'ble friends, the members of the Select Committee, for having brought forward a large number of amendments in view of the fact that the changes made by the Select Committee have been on an agreed basis. Sir, I submit to the House that it will appear on a perusal of these amendments that they are mostly of a drafting character. They do not, except in one or two or perhaps three cases, introduce any substantial change in any of the clauses of this Bill.

Sir, I should offer my apology once again to you for not having submitted these amendments earlier, which I should have done under the rules. There are difficulties standing in the way of human activities, which prevent one from doing things in proper time. I will certainly take this as a lesson for the future, and my only apology to the members of the Select Committee is that after the report was submitted, we took great pains to examine all the provisions in the light of the opinions that the drafting experts expressed, and we thought that to make the Bill a proper one all these changes were necessary. It is from that point of view that I have tabled all these amendments. As I have said, they are drafting improvements.

With these few words, Sir, I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: Sir, I beg to move, by way of amendment, that the Bill be recommitted to the same Select Committee with instructions to submit their report by the 30th September, 1940, and that the quorum of the Select Committee be fixed at five.

Sir, the Bengal Co-operative Societies Bill, which we are to-day asked to consider, has had a chequered history. When we had the first occasion to examine the working of the Co-operative Department in the very second session of this House, on the 2nd of September, 1937, to be more definite, we drew attention to various matters, which agitated the public mind, matters relating to maladministration, corruption, nepotism and the like. We were then given an assurance by the Hon'ble the Chief Minister that as he was deeply interested in the co-operative movement in the province, he would himself personally investigate into the conditions of the co-operative movement and would, if he was satisfied that a *primâ facie* case was made out for a proper expert enquiry, not hesitate to constitute the same.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, may I rise on a point of order? Is what the honourable member submitting now relevant to the motion that I have brought before the House?

Mr. SPEAKER: He is only adducing reasons as to why he does not accept the report of the Select Committee. So he is relevant.

Dr. NALINAKSHA SANYAL: I will not trouble the Hon'ble Minister, because I know he is holding somebody else's baby, a baby that was conceived in 1936.

Mr. SPEAKER: Don't overtorture him. (Laughter.)

Dr. NALINAKSHA SANYAL: I will only tell him this much. According to Hindu scriptures, a son is likely to save a father from eternal damnation, *i.e.*, "Narak," but this illegitimate child of another father is not going to save this father any way! He should not exhibit so much impatience.

Thereafter, on subsequent budget discussions and on various other occasions, we repeatedly demanded that an expert enquiry should be first undertaken before any measure for changing the law relating to the Co-operative Department and the movement was brought forward. On the 3rd August, 1938, the day when the Bill was referred to the Select Committee, a similar demand was again reiterated and the Hon'ble the Chief Minister even then assured us that public opinion would be invited, that the Select Committee would examine experts

and obtain necessary public opinion, and when a member of the European Group pointed out the irregularity of the procedure that would follow,—I believe it was Mr. Morgan who raised that question,—the Chief Minister said that the Select Committee could, and there would be no bar to the Select Committee taking that step, obtain public opinion and also take expert advice and if necessary change the entire composition of the Bill and he for himself would not stand in the way of such changes as would be in the public interests. My first submission in connection with my demand for recommittal is that there has been so far no response from the side of Government to the public demand for a thorough enquiry into the entire condition of the co-operative movement in this province, and no attempt has so far been made to find out the real causes and to find out the real remedies which would be necessary to remove the causes responsible for the present state of affairs. Sir, neither was any expert committee appointed, nor the public in general were invited to express their opinion. We are aware that a camouflage of inviting some kind of opinion was indulged in by the Select Committee when they invited the opinion of a few persons and when these persons were given a ridiculously short period of time for their reply. They were in most cases given 2 or 3 days only to give their opinion on a Bill consisting of 134 clauses and 7 pages of rules. Most of the experts who were invited to give their opinion strongly condemned the principles embodied in that Bill, and I do not know if that is the reason why the opinion so expressed has not seen the light of the day. The opinion has been shelved by Government. They have not circulated the opinion even to the members of the House. I demand a reference back to the Select Committee for an important measure of public importance like this to see what really the public of Bengal want and not to proceed in a hide-and-corner manner.

Sir, the Bill is conceived on false premises. A careful examination of the Statement of Objects and Reasons will reveal that the premises with which the Hon'ble Minister starts are entirely without any foundation. He states—to take only one example that the failure of the co-operative movement in this province has been to a large extent, if not entirely, due to the laches, the negligence and misdemeanour of non-official managing committees. I submit, Sir, that there can be no greater travesty of truth. There might have been individual cases of malfeasance or corruption, but probably compared to the number of malfeasance and misdemeanour revealed on the side of Government these individual cases of non-official members going wrong would pale into insignificance. It is difficult again to find out how the Bill, as is proposed in the Statement of Objects and Reasons, "seeks to check abuses, inculcate a healthy sense of responsibility on the managing committees of co-operative societies, to improve the working of the

present organisations and to ensure the soundness of future development." These are noble sentiments nobly expressed, but it is very difficult to find out in the specific clauses what are the specific provisions directed to achieve these objectives. The causes to which the present state of affairs and the functioning of the co-operative movement in the province are ascribed are not correctly estimated and even on the estimate given by the Registrar himself, and there is no attempt made in this Bill to remove those causes or to keep the co-operative movement free from those unhealthy influences. The Bill does not deal with more than 2 or 3 causes mentioned by the Registrar in a note prepared by him in this connection. We are not prepared to accept that the failure of the co-operative movement has to a very marked degree been due to the laches of non-official workers. The fact of the case is that the right type of non-official opinion could not be pooled and the right type of non-official workers could not be inspired to act under the constant tutelage of the officers of the department. If, as a result thereof, some non-officials on whom the patronage of the department was showered have failed to perform their duties properly, the department has to thank itself for this.

Sir, although the Bill, has emerged from the Select Committee and although the Hon'ble Minister in charge has been profuse in his praise of the brilliant work done by the Select Committee extending over 41 sittings and several months, and probably having spent thousands of rupees, I find that the Bill fails to make adequate provision for several important matters among others. In the first place, the most outstanding question, the question of all questions, has been left at where it was, namely, the question of separation of audit from the influence of the department. After all platitudes, the present position that the audit department remains under the control of the Registrar continues to be provided for in the new Bill In the second place, there is no provision made for permitting the formation of limited liability societies in the rural areas for which there has been a very good case made out. Proper provision has not been made for encouraging multipurpose societies; no provision has been made for enabling the employment of a paid staff or experts by co-operative societies. No provision again has been made for dealing properly with officials who may be responsible for the mismanagement of societies, as we have on numerous occasions found the case to be. The rule-making power retained by Government, and probably by the Registrar acting on behalf of Government, is too wide and covers too large a field. This is positively unfair to the present Legislature. I am prepared to concede that a certain amount of rule-making power must be left to the executive who will be responsible for drawing up forms, manners of statement and the like; but if members will examine the provisions carefully they will find that many important provisions have been left

to be managed through rules thereby taking away the right of the Legislature in matters of legislation. We do not know where this system of delegated legislation will lead us to. No provision again has been made, or rather inadequate provision has been made, for land mortgage banks and the functioning of land mortgage banks, and the entire thing has been left to rules.

I would now draw attention as to how the public of Bengal have viewed the Bill. In the very early stage when this Bill was talked of, eminent public men of Bengal led by Sir P. C. Ray, who is certainly not an agitator, made a statement in public criticising the general principles behind the Bill. There have been observations in the press and on the platform regarding the various clauses of the Bill as well as the fundamentals of the Bill, and in the *Modern Review*, the reputed editor of that journal during different months as well as late as July, 1940, pointed out that there are "other basic matters in which also the Bill departs from sound co-operative principles." "There is nothing in the Bill excepting the term 'co-operative' appended to its title to indicate that it deals with, and proposes to further, co-operative principles. It is more like a disciplinary police measure with which to chastise and punish non-official co-operative workers, than one for the promotion of the co-operative movement," and so on. There was a Co-operative Conference held a few days ago in the Town Hall of Calcutta. That Conference came to the unanimous decision that the Bill is retrograde, that it should not be proceeded with and it urged Government to retrace its steps and withdraw the Bill with a view to appointing an impartial and independent non-official committee of enquiry.

Sir, with these few words, I commend my motion to the acceptance of the House.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, I have to oppose this motion. I was a member of the Select Committee on this Bill, but as I was out of the country for three months, I may perhaps without impropriety second the tribute paid by the Hon'ble Minister to the work done by the committee. We have heard the work of the Select Committee was referred to—I suspect, with something of a sneer—as brilliant. I would say that it was industrious, painstaking and sincere. We have in 41 meetings, spread over nearly two years, arrived at a certain balance of agreement with certain important points of disagreement. More than that the Select Committee met on many other occasions that did not count because it failed to provide a quorum. Discussions were——

Mr. SURENDRA MOHAN MAITRA: Sir, may I correct the honourable member? I do not think there was want of quorum in any of the meetings of the Select Committee.

Dr. NALINAKSHA SANYAL: In any way, it is not regular to refer to what happened in the Select Committee.

Mr. W. C. WORDSWORTH: The Bill has been before the public for two years, and if there is anything still that the public can contribute, I do not understand why it has been dilatory in doing so. This is an important measure; it has been put before the country as an important measure, and I should imagine—I am not in Government secrets—that by this time the department concerned is satisfied that it has all the useful suggestions and criticisms that the public can offer. What is the point of deferring the measure by recommitting it for a few weeks? If in two years we have not arrived at agreement on the Bill; we are not likely to do so in another few weeks or another few months. I have heard it said that there should be recommitment because of a very important note of dissent put forward by two members—two very energetic and resolute members of the Select Committee. As one who joined in the long battle with those two members, I can say that I have no belief that if we can continue that battle for another few weeks, we shall persuade them out of the position they have so stalwartly held, and I think they will, on their side, feel that in another few weeks they will not convince any of us out of our position and allure us into theirs. We have, I think, by hard work and by honest and vigorous discussion arrived at the largest measure of agreement possible. The note of dissent put down is important, valuable and stimulating; and much of it—perhaps all of it—is found in the amendments on our papers. If these views are in our amendments, there is no reason why we should defer discussion of the Bill. I believe that if we defer and if we recommit it, in a few months we shall be dealing with a Bill practically identical with the Bill we now have.

What remains is for the Legislature by its votes, by its discussion, to determine the few important points at issue. The Minister's amendments show that he has listened to criticism from many quarters and has been open to conviction. I believe that many of these amendments will improve the Bill. The time has come for an overhaul in practice. We know that there has been very much that is faulty in the working of co-operative credit in this province as in other provinces. But the main reason for our difficulties is one that has not been mentioned and cannot be legislated for. It is the human weakness that has led people for many, many years to borrow more money from co-operative societies than they have paid back. If it were not that, we would not have occasion to speak about any failure in that department; and I do not see how we can contrive any clause that will help the department or any co-operative credit society in dealing with this fundamental human difficulty. We are, in this Bill, trying to incorporate our experience for many years, nearly 30 years,—perhaps more. I forget the date of

our previous Bill. Some of this experience has been very sad experience. We all admit that, and some of the proposals giving the Registrar special powers, in the opinion of some people excessive powers, are, put into our minds by the result of this sad experience. I myself as an humble worker in this field have some opportunities of seeing what has happened and I believe we have now a beginning of better things. This Bill, if we do what we can to improve it in its passage through the House, will, I think, encourage and stimulate this beginning of better things; and just as this measure is based upon our experience and our defects of many, many years, so I hope it will give us a basis on which we can work for many years in better spirit with greater success, greater efficiency and without the need in any near future of any further amending proposals. I oppose this motion.

Mr. SPEAKER: Both the amendments of Mr. Sibnath Banerjee are not in order. As regards the amendment of Dr. Suresh Chandra Banerjee, it is absolutely identical with that of Dr. Sanyal except the difference in dates. So I think that motion need not be moved.

So the debate is now open on the motion of Dr. Nalinaksha Sanyal.

Dr. SURESH CHANDRA BANERJEE: As I have not got the opportunity of moving my own motion, so I whole-heartedly support the motion of my esteemed friend Dr. Sanyal. Before going into the actual merits and demerits of the present Bill, we must in detail discuss the present position of the whole co-operative movement in Bengal. In 1935-36 the number of A class societies in Bengal was 45. In 1936-37 it came down to 36; in 1937-38 it further decreased to 35. The number of inferior class societies during this period increased from 1,995 to 2,635. Then in 1935-36 the amount of money distributed as loan to various societies in Bengal was Rs. 111 lakhs. Of this Rs. 46½ lakhs was unrealised. In 1938-39 the amount of money distributed was Rs. 128 lakhs and the amount of money unrealised was Rs. 56,10,000. Out of this Rs. 56,10,000 it is alleged that the realisation of Rs. 26 lakhs is doubtful.

Owing to this miserable condition as regards realisation, practically the whole amount of paid-up capital and reserve fund had to be spent up. Even the deposit money of the shareholders had to be touched to meet expenses. In course of discussion on the floor of the House we have often heard of corruption in the co-operative movement in Bengal. The question of corruption and defalcation was brought to the fore in connection with the recent Hughli Bank Case. In this case the Hon'ble Judge remarked that if this condition continued it was better that the co-operative movement should discontinue in Bengal. A few days ago I asked a friend of mine at Comilla who had been the Chairman of the

Central Co-operative Bank for several years what was the cause of the miserable condition of the societies in Bengal. His categorical answer was that the causes were three: (1) too much power given to the Registrar and his undue interference in the day-to-day activities of the societies, (2) tendency in Government to develop communal flame, (3) defect in the system of auditing. The auditor was either the Registrar himself or a person authorised by him. Sir R. N. Mookerji in course of his address to the Annual Meeting of the Bengal Provincial Co-operative Banks in 1931 said that the whole co-operative movement in Bengal rotated and revolved around the Registrar. In the present Bill the power of the Registrar is rather increased. He is becoming practically dictator of the whole movement. Government which is undemocratic in its attitude never finds fault with itself and whenever there is any wrong specially in connection with any popular movement, it finds fault with the people and crippling the power of the people increase the controlling power of the Government. That has been the main drawback of the existing system. The present Government also has not been able to get rid of this bureaucratic mentality; it is really tending to become Fascist; it does not believe in the growth of democratic feeling in the country and wants to bring everything under its own control. It has exhibited this mentality in connection with the last Calcutta Municipal Amendment Act, in connection with the Secondary Education Bill, in connection with the University Bill and also in connection with the Motor Vehicles Rules. Unless and until the Government gives up this Fascist outlook and approaches the whole movement with a real spirit of democracy, this co-operative movement in Bengal cannot grow.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Deputy Speaker, Sir, I rise to support Dr. Sanyal's amendment for the recommittal of the Bill to the Select Committee. Sir, it has been stated here that it took over 2 years for this Bill to emerge out of the Select Committee and to come before this House. Sir, I am not aware of the nature of the materials the Select Committee had to handle or the data on which they framed the provisions of the Bill. The Co-operative Conference which has been already referred to by Dr. Sanyal, amongst its other demands, demanded that there should be an enquiry into the working of the co-operative movement, into the working of the Co-operative Department, during the last several years. Sir, the first co-operative legislation was passed as early as 1904 in this country, if I am not mistaken; but the movement is much older. Ever since this movement has been sought to be regulated by that legislation and has passed through considerable experience both of merits and demerits. To-day, Sir, when at a time of crisis in the economic life of the province the co-operative movement has assumed very great importance indeed, it was meet and proper that a thorough enquiry into the working of the movement had been made. The experience of long decades should have been

made available for the public. The selfless band of workers, who have devoted themselves to the co-operative movement, should have got an opportunity of coming together and bringing their best judgment to bear upon the future line and development of this movement. Sir, laws are not made only from the brains of clever legislators. Laws are the outcome of the prevailing order of things. Laws are an aid to what is existing, for its regulation, for its greater effectiveness and for future progress. From that standpoint, Sir, if we were seriously thinking of helping the growth of the co-operative movement, giving a new direction to the co-operative movement, trying to unleash to the maximum the possibilities of this movement for the regeneration of the economic life of this province, then, Sir, the first thing that one should have thought necessary would be the collection of experience of these long decades of the working of this movement. Sir, it is a wonder to me and to this House as to why Government has not thought fit so far to take up this suggestion of an open enquiry into the working of this movement. Sir, we have had before us legislation in other directions. We have seen in other directions similar procedure adopted. The moment the agrarian question came up in this country we find that even Parliament thought fit to see that a Royal Commission on Agriculture was set up which went about extensively enquiring into the working of the land system, enquiring into the working of the agricultural conditions in the country and on the basis of that mass of materials collected, later on they came out, rather the Government came out with pieces of legislation. At least the people were given an insight into the real nature of the problem. We find that this very House is meeting to-day under the Government of India Act, 1935. But was that Act merely produced from the brains of clever legislators in the Mother of Parliaments at Westminister? Was not that Act preceded by a whole mass of materials produced as a result of laborious enquiry into the working of the earlier reforms? In every walk of life, Sir, it is the collection of previous experience and materials which gives us the data for laying down further rules and regulations for developing a movement. From that standpoint, the Government has not yet explained any reason whatsoever for shirking this task, this long overdue task, to institute such an enquiry. The Co-operative Conference has demanded an enquiry of this nature, in which the collective wisdom and experience of the entire co-operative movement might have been available at the disposal of Government, but that course has not yet been adopted. On the other hand, the Bill suffers from its original sin. On the one hand the past unsympathetic attitude, the past mistakes, the past bureaucratic method of working of the department have not been remedied. On the contrary, it has been sought to invest the Registrar with greater and mightier powers. My honourable friend Dr. Suresh Chandra Banerjee has very ably and admirably thrown light on the reasons why Government to-day is seeking to invest the Registrar of Co-operative Societies with further powers; investing him with such powers as would really

constitute him as a sort of a super-Hitler over the co-operative movement. Sir, and the reasons also have been ably stated by Dr. Banerjee. It is not very difficult for anybody to realize that a thing like the co-operative movement cannot be developed by a mere Government Department working with a whip-hand. Sir, for the development of the co-operative movement, what is needed is to unleash the initiative from below; to develop the co-operative movement what is needed is to stimulate greater and greater confidence in the lowest units of this movement, to safeguard the interests of the lowest units in such a manner that more and more people can be encouraged to come forward and build up the solid foundation of the lowest units on which the mighty structure of the co-operative movement in this country can grow. To-day, the principal purpose that the co-operative movement has to serve in this country is that it has to serve the purpose of co-operative supply, co-operative credit to our rural populace, which can no longer look forward to individual money-lenders or to the indigenous credit system. It has to be reorganized according to the new reorinetation. Sir, the co-operative movement has to subserve the purpose of being a gigantic collective effort for co-operative production. It has to be a movement to subserve the purpose for co-operative and collective distribution. Sir, what the country needs to-day is co-operative credit, it needs co-operative production, and it needs co-operative distribution. Sir, by that means alone can the entire resources, the entire energies of our people, be harnessed through the medium of a co-operative movement and the productivity and the wealth and resources of the province augmented. To-day, Sir, we find Government in the helpless position of having to lease out in the nature of a Queen Elizabeth's Charter the jute future of the province into the hands of Changalmulls and Tularams and what not. Sir, that position of helplessness need not be there if Government had the breadth of vision, if Government took the people into their confidence, if Government, in the interests of the people, tried to develop their initiative; and on their initiative, the entire marketing of jute could be organized on a co-operative basis.

Sir, in European countries, mainly agricultural countries, which have in recent years prospered, and which have, after the great crisis of the corn market, passed on to the livestock, such as in Denmark, we find the co-operative movement as the saviour of the people. Sir, this movement, conceived in the right perspective, can become a gigantic organization and power of the people to withstand any difficulties that may stand in their way. The whole of the Danish trade in livestock is developed on the productive side on co-operative movement, on the marketing side on co-operative movement and on the distributing side also on co-operative movement. Is there any reason why adopting the same experience, the same policy, our movement cannot likewise gather strength and momentum and harness the entire resources of the people

and even control the principal money crop of the province? The whole of the jute-growers could be organized into a gigantic co-operative producer, distributor and marketer. Sir, that would be also a source for supplying co-operative credit to our people. But where is that perspective? Sir, due to these defaults, omissions and lack of perspective, this Bill should be recommitted to the Select Committee. Furthermore, it is also known that the Madras Committee on Co-operation is very shortly going to publish its report with regard to the experience gained elsewhere. If the Government of Bengal are not energetic enough to undertake this task, they might at least wait a little and benefit themselves by the labours of others and help the movement in the right perspective. I therefore say, Sir, that the representative views which have been voiced by the co-operative conference, by many members in this House, should be taken into consideration and Government, instead of trying to be shortsighted and adamant, should accept the suggestion and recommit the Bill and lay the future of this movement on a surer foundation.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. DHIRENDRA NATH DUTTA: Mr. Speaker, Sir, it is an admitted fact that the co-operative movement in Bengal has failed. In the past the department has made several mistakes in policy, and this legislation has sought to rectify those mistakes. Now, the present tendency has been to substitute limited liability for unlimited liability, but the Bill has not provided for it. Another admitted theory is that the audit of societies should be separated from their administration, but the Bill does not separate supervision from audit. The Select Committee were in favour of separation in principle, but it is said they were unable for financial and other reasons to recommend it. But no reason should stand in the way. The Royal Commission on Agriculture pointed out the desirability of separating these two branches of co-operative work, and we think it desirable that this recommendation should be put into effect immediately and the Land Revenue Commission in Bengal has strongly recommended it in its report also. I am also doubtful whether it is a sound principle to limit loans to the maximum credit of members of societies rather than to their maximum income. Their maximum credit is the total value of their property. If they fail to repay their debts, they may lose their property, but if their credit is to the amount of their income, this is not the case. The loan issued by rural societies should be given for productive purposes, *i.e.*, for the purchase of seed, cattle, agricultural improvements and the like and accordingly in Chapter VII section 60 should be amended.

The rate of interest for the loans should be as low as possible and the provision should be made in the Bill itself.

The Bill, as it is, so provides as to make the Registrar the dictator of the co-operative structure, the arbiter of registration, rule, regulation, control, supervision and audit—the only supervision in the entire movement. Nay, he is vested with powers still to enunciate the principles, interpret the laws; he is to be the prosecutor, the judge and the appellate authority and the entire jurisdiction of any court civil and revenue is vested in his favour and special immunity is included through a tissue remedy in clause 126 as proposed, though the strength of co-operation lies in the fact that it is based on persuasion and conviction and not on compulsion. That the Bill should be recommitted to the Select Committee is proved by the fact that the Hon'ble Mr. Mullick, the Minister-in-charge, has tabled a large number of amendments. These amendments are not of a verbal nature, but are material. Clause 12 in Chapter II, dealing with registration, which lays down conditions of registration, has been consequently changed by the amendments proposed by the Hon'ble Minister, and clause 24 in Chapter III, which deals with liability of managing committee for illegal loans, has been sought to be deleted by the amendment of the Hon'ble Minister. These two clauses, namely, clauses 12 and 24, deal with the vital aspects of the Act, and the Hon'ble Minister has thought it necessary altogether to change it. Clause 105 in Chapter XI, dealing with special provisions for co-operative land mortgage banks, lays down that the title of purchaser held under section 96 shall not be questioned in any court, though originally it was intended that the title shall not be impeached on certain grounds. It is preposterous to hold that the title of those who are not a party to the sale will be affected. It will affect mostly the Muhammadan sisters who are in constructive possession of the property through their brothers and if their properties are sold, in case their brothers are mortgagors, they will not be able to question it in the civil court and the purchaser will acquire full right. It abrogates other provisions of the Civil Procedure Code, the provisions relating to *res judicata*, etc., and it is doubtful if we have got power to abrogate other provisions of law of the Indian Legislatures.

The Co-operative Conference held on the 13th July, 1940, has passed resolutions that the Bill, as it has emerged from the Select Committee, should be referred back to it with a view to reconsidering the whole matter afresh in the light of public criticism that has appeared from time to time in the press and on the platform, and after taking opinion of the co-operative experts. I think that in the circumstances Government should reconsider the whole situation and should agree to the resolution for recommittal.

With these few words, Sir, I support the motion moved by my friend Dr. Nalinaksha Sanyal.

Mr. SYED JALALUDDIN HASHEMY: Sir, I am afraid we are not competent to discuss the merits and demerits of this Bill on a motion like this.

Sir, we will get sufficient time to discuss the merits and defects of this Bill when it will be discussed in this House clause by clause. It strikes me at the outset why the Hon'ble Minister has come forward with heaps of amendments after so many stages. After all, this is an official Bill drafted at the instance of Government and drafted by experts. The services of the experts of the department were certainly requisitioned by the Hon'ble Minister while drafting the Bill. After that the Bill was placed before the House and at the instance of Government the Bill was referred to a Select Committee. If we consider the practice and policy followed in Select Committees by Government we generally find that Government appoint persons having experience and expert knowledge in a particular subject—of course keeping in view that a clear majority in the committee must be with Government. The Bill was considered by members of the Select Committee. Government got sufficient opportunity to discuss the merits and demerits of the different sections in the Select Committee. I presume, Sir, that while drafting the Bill the experts of Government had on their table the different Acts on co-operative societies of other provinces as well as of Great Britain and of other countries of Europe. Then again the Select Committee considered the pros and cons of every section of the proposed Bill. Yet, Sir, we find that the Hon'ble Minister at the eleventh hour has surprised us with heaps of amendments. May I ask: Is it due to the inexperience of the Hon'ble Minister himself or ignorance of the department concerned or inability of the experts to draft a comprehensive Bill on the subject, which is so important for this province? It might be so, but may I ask where is the guarantee that when the Bill will be discussed and the discussion will be in progress the Hon'ble Minister in charge will not come forward with a lot of other amendments on this particular subject? It was our experience when the Money-lenders Bill was under discussion in this House that in the morning we got one set of amendments from the Hon'ble Minister-in-charge and in the evening we got another set of amendments from the Hon'ble Minister-in-charge of that particular Bill. I am sure this will be the case with this particular Bill also. Therefore, it will be wise on the part of the Hon'ble Minister to send the Bill back to the same Select Committee. Dr. Sanyal has expressed his confidence in the Select Committee; he has not suggested other members for the Select Committee, and he wants the same Select Committee and has proposed that the Bill be placed in this House with the

report of the Select Committee to be submitted by the 30th September, 1940. The time that has been taken by Government in drafting this ill-drafted Bill has been sufficiently long. It is an age, as has been expressed by some members of the House. A delay of 60 or 90 days will not place us in an awkward position, and we will be able to explain to our constituencies that for further improvements or for further development of the Bill Government has taken 2 or 3 months' time. I entirely agree with Dr. Sanyal that at least some sections of this Bill require reconsideration.

Mr. ABDULLA-AL MAHMOOD: Give short-notice amendments.

Mr. SYED JALALUDDIN HASHEMY: With regard to short-notice amendments the Hon'ble Speaker has given us assurance that we will get the same opportunity and privilege as will be given to the Hon'ble Minister-in-charge. It will be better if this Select Committee will sit once again and in view of further amendments suggested by the Hon'ble Minister, they will get time to consider the Bill in a spirit of co-operation and Government will come forward with this Bill in the next session of the Assembly, probably in January, 1941.

With these few words, Sir, I support the motion of Dr. Nalinaksha Sanyal.

Mr. ABDULLA-AL MAHMOOD: Mr. Speaker, Sir, I rise to oppose the motion moved by Dr. Sanyal. He says that the Bill be again recommitted to the Select Committee already formed. I beg to submit before the House that this Bill was published, before introduction, in the *Calcutta Gazette*, dated the 7th July, 1938. Then it was referred to a Select Committee on the 3rd August, 1938. The committee met from time to time and had altogether 41 sittings, and the members of the House very well remember that the Select Committee consisted of 17 members. The committee had its first sitting on the 19th August and continued till the 15th December, 1939. So, practically from July to December the Committee met from time to time, having had altogether 41 sittings. The House can very well imagine that the members of the Select Committee—one of the members our beloved friend late Mr. Abdul Bari and other members who were present at the deliberations from time to time—applied their best energy and consideration for making this Bill a complete and comprehensive one. I do not think that any useful purpose would be served by recommitting it to the Select Committee to report on it by September, 1940. The House being in session, I do not think that the members of the Select Committee will have ample time and opportunity to give more attention to this subject than what they could during this long time. The only criticism that has been brought forward by members opposite is

that the Registrar has been invested with wide and absolute powers and that the Hon'ble Minister has come forward with so many amendments. I think, if my friend opposite, Mr. Hashemy, goes through the amendments, he will find that they are of the nature of some verbal change in singular or plural or something like that. From his long experience he must have known it fully well that no Bill has ever been placed on the statute book without having been thrashed out on the floor of the House and by acceptance or rejection of some amendments or other. As one of the members of the Select Committee, Mr. Wordsworth, pointed out that no useful purpose would be served by sending it again to the Select Committee, I also hold the same view and further I am definitely of opinion that this motion for recommitting the Bill to the Select Committee is for nothing else but to defer the matter, and I do not know whether my friend intends to defer it till January, 1942, when the time for election will come again and the Bill will be shelved once for all.

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আমি ডা: নরীনাক্ষ সান্যালের প্রস্তাব সমর্থন কোরে কয়েকটা কথা বল্‌তে চাই। এই যে কো-অপারেটিভ সংশোধনী বিল এখানে উপস্থিত করা হোয়েছে এর সম্বন্ধে প্রথমেই আমি এই কথা বোল্‌তে চাই যে, এই বিলে যে ব্যবস্থা করা হোয়েছে সে ব্যবস্থা সাধারণত আমাদের পরাধীন দেশের পক্ষে সম্ভবপর ও সঙ্গত নয়। (A member of the Coalition Party: কি কি ব্যবস্থা করা হোয়েছে?) যেহেতু সমস্ত ক্ষমতা এই সমবায় নীতি সম্বন্ধে গভর্ণমেণ্টের হাতে থাক্‌তে দিতে অন্ততঃ আমি রাজি নই যতক্ষণ আমরা পরাধীন আছি, যেহেতু আমার দৃঢ় বিশ্বাস এই ভারতবর্ষের ভিতর বাংলা দেশে স্বাধীনতা আন্দোলনকে পঙ্গু করবার একমাত্র গুপ্ত উদ্দেশ্য এর ভিতর নিহিত রয়েছে।

আমি মনে করি, কয়েক দিন পূর্বে মহাজনী আইন এই পরিষদে পাশ হবার পর ব্যক্তিগত দাদন এদেশে বন্ধ হোয়ে এসেছে, তার সঙ্গে সঙ্গে সমবায় নীতির সমস্ত ক্ষমতা গভর্ণমেণ্টের হাতে পোড়লে পর এই হবে যে তিন দিক দিয়ে এদেশের লোকগুলি সর্বদা গভর্ণমেণ্টের বোগল তলায় থাক্‌বে। এক নম্বরে ধনী শ্রেণী সমস্ত টাকা সমবায় ব্যাঙ্কে আমানত রেখে সেই টাকার জন্য গভর্ণমেণ্টের কাছে জোড়হাত কোরে থাক্‌বে। দুই নম্বরে হলো যারা সমবায়ে চাকরী কোরবে তারা চাকরীর জন্যই জোর হাত কোরে থাক্‌বে আর তিন নম্বরে হলো খাতক যারা তারা টাকা কর্জ্জ পাওয়ার জন্য ও দেনার দায়ের জন্য জোড়হাত হোয়ে থাকবে। সুতরাং এই তিন শ্রেণীর লোকই গভর্ণমেণ্টের কবলে পোড়ে থাকার দরুণ আমাদের দেশের কারো পক্ষেই স্বাধীনতার আন্দোলনে যোগ দেবার সাহস হবে না।

তারপরে আর একটা কথা হোচেচ এই যে সমবায় আন্দোলন ফেল হবার কারণ ও দোষ ত্রুটি যা কিছু তা সব যারা টাকা কর্জ্জ কোরেছে সেই সব পল্লীবাসী জনসাধারণের উপর চাপিয়ে দেওয়া হোয়েছে। আমি বোল্‌ছি—যদি এর একটা প্রকাশ্য তদন্ত হয় তাহলে প্রমাণ হবে যে এটা একেবারেই ঠিক কথা নয়। আমার ময়মনসিংহ

সেণ্ট্রাল ব্যাঙ্কের সঙ্গে যে সম্বন্ধ ছিলো তাহারা প্রমাণ কোরতে পারি যে খাতকদের দ্বারা সমবায় আন্দোলন ফেইল হয় নাই। ময়মনসিংহ সেণ্ট্রাল ব্যাঙ্কে দেখেছি তারা রিজার্ভ-ফণ্ডে টাকা কম রেখেছে ডিভিডেণ্টও বেশী দিতো না, আর টাকা যা লাভ থাকছে, তার থেকে ৫।৬ হাজার টাকা অবৈতনিক সেক্রেটারী বছরে পুরস্কার নিয়েছেন, আর বেতন ভোগী যাঁরা থাকবেন তারাও তিন মাসের বা ছয় মাসের মাহিয়ানার টাকা পুরস্কার নেবেন। এই ছিলো ব্যবস্থা। তারপরে টাকাগুলিও বাস্তবিকভাবে আদায় হোয়েও আসে নাই, কেবল কাগজপত্রেই দেখা গেছে ৮২ হাজার কি ৯০ হাজার টাকা লাভ দেখা গেছে। কিন্তু টাকা প্রকৃতপক্ষে আদায় হোয়ে নগদ জমা হলো কিনা সেটা দেখা হয় নাই। টাকাগুলি বনে-জঙ্গলে ফেলে রেখে লাভের টাকাগুলি বেটে দেওয়া হয়েছে। অনারারী সেক্রেটারী পাঁচ হাজার, বেতনভোগী কর্ম্মচারী তিন মাসের মাইনে পুরস্কার এই রকম কোরে এভাবে, ওভাবে, সেভাবে টাকা গুলি বেটে দেওয়া হোয়েছে। এবং টাকা গুলি যেতো কোথা থেকে যা আমানত ছিলো তাই থেকে। পাড়াগাঁ থেকে টাকা আদায় হোয়ে আসে নাই, অথচ তাঁরা নিচ্ছেন ক্রমাগত; তারপরে দেশে দুর্ভিক্ষ যখন হলো, আর পল্লীগ্রাম থেকে টাকা আসেনি, এবং নগদ তহবিল ফুরিয়ে গেছে তখন প্রচার হোলো, যে পল্লীগ্রামের বেটারা টাকা দেয় নাই। তখন— (MR. SPEAKER: মৌলবী সাহেব অত সব না বোলে সিলেক্ট কমিটিতে বিলটা ফের যাবে কিনা সেই সম্বন্ধে বলুন।) সভাপতি সাহেব, সেই জন্যই এই আইনের খসড়াটা পুনরায় সিলেক্ট কমিটিতে বিবেচনা করবার জন্য সেটার সম্পর্কে আমি এসব কথা বোলছি। এই যে সমবায় নীতি ভবিষ্যতে যা পরিচালনা করা হবে সেটা এমন ভাবে করা উচিত যাতে নাকি সর্ব্বসাধারণের উপকার হয়। পূর্ব্বে যে রকম নীতি চোলে এসেছে ঠিক সেই নীতিতেই গভর্ণমেণ্টের হাতে সমস্ত ক্ষমতা নিয়ে যাচ্ছেন। গভর্ণমেণ্ট অবশ্যই এই কথা বোলবেন যে এসব হোচ্চে জনসাধারণকে বাঁচাবার জন্য। গভর্ণমেণ্ট বোলবেন এই কথা যে এতকাল জন-সাধারণকে দেশের ধনিকবনিকগণ সমিতি গঠন কোরে ব্যাঙ্ক কোরে টাকা ধার দিয়েছে—আর তারা অন্যায়ভাবে গরীবের ক্ষতি কোরেছে। আমি বোলতে চাই—তখনো এই গভর্ণমেণ্টের সমস্ত শক্তি ধনিকবনিকদের পেছনেই দেওয়া হোয়েছে। বিশিষ্ট অংশীদারেরা ব্যাঙ্কের সাধারণ সভায় যে সমস্ত কার্য্যকলাপ কোরেছে তাদের সেই সকল কার্য্য কলাপের বিরুদ্ধে সাধারণ ভাবে জনসাধারণের পক্ষ থেকে খাতকদের পক্ষ থেকে যারা আন্দোলন কোরেছে, প্রতিবাদ কোরেছে, সেই লোকদের জব্দ করবার জন্য গভর্ণমেণ্টের পক্ষ থেকে ঐ সমস্ত ধনিকবনিকদের সাহায্য কম করা হয় নাই। আমি দৃষ্টান্তস্বরূপ বোলবো এই কথা, যে রেজিষ্ট্রার সাহেব জানেন না এটা আইন বিরুদ্ধ কিনা। ময়মনসিংহ সেণ্ট্রাল ব্যাঙ্কের বার্ষিক সভার সময় রেজিষ্ট্রার সাহেব সার্কুলার দিলেন—পল্লীগ্রামের ডি ক্লাস্ ব্যাঙ্ক যারা আছে, তাদের কোন মেম্বর বা সেক্রেটারী সেণ্ট্রাল ব্যাঙ্কের ডিরেক্টর হোতে পারবে না। পল্লীগ্রামের শাখা সমিতির ভিতর যারা স্বাধীনচেতা মানুষ যারা ক্ষতি ও লাভ ধরিয়ে দিতে পারে তাদের সমিতিগুলিকে ইচ্ছা কোরে ডি ক্লাসে নামিয়ে দেওয়া হোয়েছে যাতে তারা সমবায় কার্য্য পরিচালনার অংশ গ্রহণ না কোরতে পারে। মুর্শেদ সাহেব যখন ময়মনসিংহে ম্যাজিষ্ট্রেট ছিলেন। (MR. SPEAKER: I am sorry, you are not keeping to the point) এটা আমি

বোলছি এই জন্য যে গভর্ণমেণ্টের যে ক্ষমতা আছে সেটা এতকাল অপপ্রয়োগ করা হয়েছে সেটা দেখাবার জন্য একথা বল্‌বার প্রয়োজন আছে। (MR. J. C. GUPTA: আপনি বলুন না এই সমস্ত বিষয় গুলি বিবেচনার জন্যই আমি বোল্‌ছি।) যখন নাকি কে, জি, মুর্শেদ সাহেব আমাদের জেলা ম্যাজিষ্ট্রেট ছিলেন তখন তিনি ময়মনসিংহ সেণ্ট্রাল ব্যাঙ্কের চেয়ারম্যান ছিলেন, ময়মনসিংহ সেণ্ট্রাল ব্যাঙ্কের সাধারণ বার্ষিক সভায় তিনি সভাপতি ছিলেন। আমি নিজে জানি,—আমাদের পল্লীর জনসাধারণের পক্ষ থেকে স্বাধীন ভাবে কথা বোল্‌তে আমি যখন দাঁড়িয়েছিলাম তখন as a magistrate তিনি আমাকে ধমক দিয়ে বসিয়ে দেন, কথা বোল্‌তে দেননি। "আমি ডিরেক্টার হোতে পারি" বলায় তিনি বোল্লেন "তুমি ডিরেক্টার হোতে পার না।" এই সমস্ত বিষয়ের যাতে প্রতিকার হোতে পারে—ভবিষ্যতে যাতে পল্লীর জনসাধারণের উপকার হোতে পারে সেই জন্য সেই সব বিষয় বিবেচনা করার জন্য পুনরায় এটাকে সিলেক্ট কমিটিতে দেওয়া হোক। সঙ্গে সঙ্গে আমি এই দাবি কোরছি যে জনসাধারণের উপর যে দোষ চাপিয়ে দেওয়া হোয়েছে—যে তাদেরি দোষে কো-অপারেটিভ্ ব্যাঙ্ক সফল হয় নাই এইটার সত্য মিথ্যা প্রমাণ করার জন্য একটা প্রকাশ্য তদন্তের দাবি করে আমি ডাঃ সান্যাল মহাশয়ের প্রস্তাব সমর্থন কোরছি।

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, this Bill was taken in hand in 1936. It was presented before this House dressed in new cloth in 1938, and we have come to consider this Bill in 1940. This delay is not accidental, nor is the delay of the Hon'ble Minister in submitting his amendments accidental. Delay is the characteristic of the whole Co-operative Department in Bengal to-day. So long as the people, who have no missionary zeal in the movement, are entrusted with the charge of the Co-operative Department, these things are bound to happen. I am not making any invidious distinction, this is true almost of every officer of the department. These officers have no faith in the movement. They are there as Government servants—somebody was a Subdivisional Officer and somebody in other capacities. They have been there either by promotion or by some other means. In the circumstances, if we expect anything better, that would be absolutely wrong. If the people who believe in the movement and who have a little experience of the working of this movement were placed in charge of the department, then only we could expect better results. Here is the report, the latest that has been published is the Report of co-operative movement in Bengal in 1938, we find there were 24,000 societies, nine lakhs of members and Rs. 19½ crores working capital. If the report of this year could be had there would be 30,000 societies, ten lakhs of members and Rs. 25 crores working capital. These are all on paper. The real position is known to everybody, and it need not be explained

at length that the amount of the credit that is shown as working capital is absolutely fictitious and cannot be realised or utilised. The capital of Rs. 25 crores, I think, is not a small sum for the co-operative movement as compared to that of the Reserve Bank or other banks. Before we can really pass a Bill here on the co-operative movement, we must go into the very root of the question. I feel that people have a very exaggerated idea of the co-operative movement. I am free to confess that I do not expect the co-operative movement to achieve wonders. In Germany and in other countries when feudalism was breaking up and capitalism was rising, the middle and lower middle class people found themselves in a helpless condition. On one side there was the breaking up of feudalism and on the other side there was the rising of capitalism. The humanitarian, the reformist, and there were great and big men among them like Rochdale, Reiffeism, who tried to bring some solution of the middle-class problem. But I do not believe that before the feudalism and capitalism break up, real co-operative movement will come in this world. After the break-up of these two, real co-operation will begin. Meantime, the middle classes by their own efforts can afford to give some relief to themselves and that is what should be the purpose of this movement at present. We should not expect more than that. If we do that, we are bound to come to grief. Mr. Wordsworth, if I remember aright, has said that here people have a bad habit of borrowing money and not paying back. It may be true of persons who have money, but it cannot be said to be true of the peasants, the overwhelming majority of the people. We know that the average holding of the peasants ranges approximately between 1 and 3 *bighas* of land. The annual average income which they get is variously estimated between Rs. 36 and Rs. 60 only. Therefore, a peasant is bound to borrow if he is to live. Under the present conditions when feudalism is breaking up and the zemindari system is prevalent, land system cannot give better living to the peasant. It is absurd to expect that the peasant will go on living without borrowing. If arrangements for better production or more income were made, then of course it would be a different proposition. As it is to-day, the lands of Bengal cannot produce sufficient crops to feed the peasants, and therefore I could not blame the poor peasants for this, and I think it will not be doing them justice to blame them. These peasants do not produce enough for themselves, and with the lands that they have they cannot live properly. Therefore, they have got to borrow if they do not want to commit suicide or die like fleas. Because the peasants cannot pay back their loans it is not fair to say that they do so deliberately. The co-operative movement by giving them cheap credit has done a good deal of benefit to these peasants because without these co-operative societies the rate of interest would have been more than 30 or 40 per cent. and sometimes even more. It is these societies which have brought down the rate of interest to 10 per cent. or 15 per cent., but the pity is that the whole emphasis in regard to these matters was given to the credit side of the

movement and that is why we have come to grief. Though the co-operative banks had Rs. 19 crores as working capital in 1938 and Rs. 25 crores in 1940, really this huge sum means nothing. If, on the contrary, instead of laying all the emphasis on the credit side of the movement, emphasis was laid on the production side or on the consumer's side of the movement, then we would not have come to grief. In that case, in spite of the breakdown of the feudal relations and in spite of other difficulties, the co-operative movement would not have collapsed with the zemindari system, with the feudal system which we are seeing before our very eyes. In Bengal the co-operative movement was linked up with the zemindari system and the land system and therefore along with this system the co-operative movement is also about to be drowned. Therefore, it is necessary when we are meeting now, to evaluate things properly and chalk out our path properly. Otherwise, if we start again on the same groove then we will find ourselves in the same morass because under the prevailing circumstances if we depend upon the credit system, and the credit organization—and when we speak of co-operation in Bengal many cannot think of anything else except in terms of credit—then we cannot hope to succeed. Therefore this question should have been properly considered before this new Bill was introduced.

Sir, there is another aspect of the matter. Most of the officers of this department do not feel any enthusiasm for this work. I myself have some experience that, when a certain person applies for the registration of a society, the officers concerned feel it a great bother because first of all it will mean more work for them in the shape of their having to consider the by-laws and registering the society. Then they will have to audit and inspect those societies. Therefore, they are not at all enthusiastic about the registration of new societies so that, Sir, it is a virtual fight between the co-operators and the Co-operative Department to get a society registered and even when a society has been registered the same thing continues. Many of the societies have not been audited for the last three years and most of them for more than one year. Sir, what was expected of the co-operative movement and of the officers of the Co-operative Department is that whenever somebody wanted to form a society, officers of the department, either organizers or inspectors or Assistant Registrars should go and fully explain to them what co-operation is and help them to form and run a society but, Sir, nothing like this has happened. On the top of that to-day we have got a Bill wherein a whip is supplied to the Registrar making the people co-operate by means of compulsion instead of by voluntary effort. Sir, that is not the way to teach co-operation or to save the co-operative movement from decay, in which condition we find the societies to be in to-day. Of course, I know that many of the officers are overworked and that for 15 days in the month they have got to be on tour and 15 days only in the headquarters, so that when a letter is addressed to their office they can only attend to it after a fortnight when they come back.

Therefore, Sir, delay is inevitable, but more men should be there. Why this system is continued in this way, I do not understand. What was wanted was a thorough enquiry into the working of and improving the existing conditions. I do not think that any more power is at all necessary for the Registrar. Already whatever power he has got he has either abused or not used. The reason for the granting of more powers is supposed to be that the Registrar ought to have powers to deal with a strong hand with the recalcitrant societies that do not behave properly. But, Sir, even without those powers which the Minister is now seeking to-day for the Registrar, the Registrar is a virtual dictator of the Provincial Bank, a bank which should be run by co-operators, and of Bengal Co-operative Alliance, which is supposed to be a non-official organization, and of various other organizations. He is the virtual dictator of the movement already without the conferment of any additional powers. Therefore I say, Sir, that the Registrar does not need any more powers. What is required is more faith and more missionary zeal from the Registrar as well as from the Hon'ble Minister and also from the men of that department.

There is another reason why the movement has not been successful and it is this, that there is absolute inertia in this department because the department knows that whatever it introduces or does will have the support of Government and having a monopoly of this co-operation business this organization never tries to function in a businesslike way. I shall take the instance of the Provincial Co-operative Bank. Can you think of any bank which charges a fee on cheques that it issues? You have to pay for the cheques of this bank while nowhere else one has to do so.

Mr. SPEAKER: I hope that is not a sign of inertia!

Mr. SIBNATH BANERJEE: But, Sir, it is a sign of absolute reliance on Government. Then also it forces the man who deposits money to bring in a letter from the co-operative society to say that it is sending a man for depositing money—a procedure which is unthinkable for any other bank. But this bank does so because it knows that whatever rules it may frame others will be forced to obey. Therefore, Sir, they do not care for businesslike methods. About separation of audit from organisation, much has been said to-day. My time is nearly up, and I do not want to prolong the discussion further. But I would only say this, that if this Bill is recommitted to the Select Committee a proper Bill may be brought before this House. I wanted in my amendment a new Select Committee with new and fresh ideas, but the constitution under which we are working handicaps me in my intention and does not allow me to move any such motion which would be out of order and therefore I am supporting the motion of

Dr. Nalinaksha Sanyal—if this Bill is sent back to the Select Committee then I feel that after a full and frank discussion in this House the Minister himself will be in a position better to redraft the Bill and guide the Select Committee to frame a Bill in a much better manner which will be to the advantage of the public of Bengal. There is also another matter. The large number of amendments that have been tabled—I think they are about 400—will take a lot of time if we have to consider each and every one of them. It will save a lot of time of this House and also a lot of money to the Bengal public if this Bill were sent to a Select Committee, so that when it finally comes out of the committee then perhaps very few amendments will be necessary, and we shall be able to pass the Bill in a very short time. Therefore, from the point of view of economy of time and money also, it is necessary that the Bill should be recommitted to the Select Committee.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have listened with very great attention to this debate initiated by my esteemed friend Dr. Nalinaksha Sanyal, requesting this House that the Bill be recommitted to the same Select Committee. He has been supported by no less than six of my other friends, but, Sir, it is my misfortune that I do not feel myself convinced by the reasons that have been advanced in support of this motion. Two of my esteemed friends especially my early teacher Mr. Wordsworth, the Chairman of the Bengal Provincial Co-operative Bank, have opposed this motion and given reasons why there is no justification for this House to accept this motion of recommittal of this Bill to the same Select Committee. Sir, I expected my honourable friends who had spoken in support of this motion to give the House some reasons as to why it is necessary that the Bill should go back to the same Select Committee, what are the defects they have found in this Bill as reported by the Select Committee so that when the same Select Committee sit over it again, they would be able to rectify those mistakes. It has been pointed out already that the Select Committee not only sat for a very long time, but also gave very close attention to each and every one of the clauses, its sentences and phrases, and have produced a report which they have submitted to this House for its consideration.

Dr. NALINAKSHA SANYAL: Which you still consider necessary to amend!

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The Select Committee did all they could and if there was anything else that should be done, it is certainly for this House to do so and to rectify the mistakes or the omissions that are still there in this Bill. But, Sir, what is it that has been said in support of the motion for recommittal.

My honourable friend Dr. Sanyal comes forward with a catalogue of his grievances, which he has been putting forward time and again and especially at the time of each budget demand under this head. The first one of his objections against the report is that no proper provision has been made for the separation of audit from general supervision. May I remind him that it was I who, when presenting the first budget demand on the 2nd September, 1937, before this House after it was formed, mentioned that it was one of the points which ought to be investigated and taken up in right earnest. Along with that I also pointed out to this House that the next thing which I intended to take up was an amendment of the Co-operative Societies Act of 1912, for existing events showed clearly that it did not meet with the various circumstances that faced this movement in the course of the last 28 years. It was also pointed out by me, Sir, in the course of that demand that the staff ought to be enlarged and they ought to be taken through a training.

Sir, my honourable friend Dr. Sanyal started by saying that there was a demand by him and by many of that view that there ought to be an open enquiry into the activities of this department. Sir, he has referred to the observation that was made by our Leader and Chief, the Hon'ble Mr. A. K. Fazlul Huq, while winding up the budget debate in September, 1937, when he pointed out that he would not leave any stone unturned if it was pointed out to him that there was any defect in the co-operative movement or in the department. Along with him, it was a matter of pride for me as well to point out to the House that if any particular event or instance was brought to my notice, I would not spare any pains to look into that matter with all the authority that I was in possession of.

Rai HARENDRA NATH CHAUDHURI: With all your usual zeal.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The House might be interested to know that in the course of these three years, the conduct of no less than nine officers was enquired into and suitable punishments were meted out to them; and when any particular instance with respect to any particular society was brought to our notice, that was also enquired into. (Dr. NALINAKSHA SANYAL: And shelved.)

As regards the question of separation of audit from supervision, the Select Committee had specifically mentioned this in the report under Chapter VIII. So far as that question was concerned, it was also pointed out that as regards the audit of the 118 central banks, there might not be any difficulty, but it was certainly a very difficult matter if the system, although accepted in principle, would have to be introduced with regard to 30,000 village societies. I on behalf of

Government gave an assurance to the Select Committee that we have already taken up that question and in point of fact, after I had put the whole staff through training, we have now got 50 officers of the department specially in charge of this audit who have got nothing to do with the general supervision or administration. They have been under the absolute control of the chief auditor of the department who works through divisional auditors and these officers work under the divisional auditors. The other question which has been mentioned by Dr. Nalinaksha Sanyal and alluded to by Mr. Dhirendra Nath Dutta is that in this Bill no provision has been made for the establishment of limited liability societies in the villages. I am extremely sorry to have to join issue with them, for if we were to agree to a course of this nature, we should have to say goodbye at once to the co-operative credit movement in the interior.

Dr. NALINAKSHA SANYAL: As you understand it!

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If my friends had the least experience of any of the village societies, I maintain that they would not have come forward with a suggestion of this nature.

Dr. NALINAKSHA SANYAL: Have you any?

Mr. SPEAKER: Dr. Sanyal, there is something like a pyschological effect. I would like you to bear in mind that this kind of interruption does you more harm than anyone else.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister is inviting them.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: To give them an idea, there is a provision for having limited liability societies with respect to a particular class, but we cannot agree to have limited liability societies when we think of credit institutions in the villages.

As regards the large amount of powers given to the Registrar, may I remind my friend of the provision that we have in sub-clause (*d*) of clause 10 where it is distinctly mentioned by the Select Committee that the powers that would be enjoyed by the Registrar might also be delegated to the other co-operative societies as well. In that view of the matter, is there any doubt that the intention of the Select Committee is to see that the co-operative movement might develop in proper sphere, and with all the responsibilities and rights that the societies could enjoy?

Then again, much has been said of the Registrar having more powers and acting as dictator. Need I remind my friends of the provision made in clause 128 and in the Fourth Schedule to the Bill that wherever

there is the question of exercise of this power by which anybody is aggrieved, he has been given the right of appeal. If it were a question with respect to administration, it will certainly be exercised by some officer of Government; if the order was made by the Registrar, the person aggrieved can appeal to Government direct; and if there was any question where there was some penalty inflicted, then the appeal would go to the District Judge. In that view of the matter, may I submit to this House that there is hardly the least justification for the apprehension of any of the powers being abused or misused?

Now, Sir, there are various other things that have been mentioned, but I am extremely sorry that I shall have no time to reply to all of them, to all the allegations categorically. I am sorry that my friend Dr. Suresh Chandra Banerjee suggested as one of the causes of the failure of the co-operative movement was the communal element being introduced into this movement. Nothing pained me more than to find that a suggestion of this nature could have been made by a very responsible member of this House. Sir, the co-operative movement does not know of any distinction between community and community or caste and caste. Whoever is a member of the co-operative society is treated as such. His requirements are attended to; his difficulties are met and whenever he asks for advice, he is given that advice irrespective of his belonging to this or that community. Sir, there is another point. It was stated by some of my friends that a Co-operative Conference was held at the Town Hall in Calcutta on the 13th July last. I had no idea of any such Conference being held and I feel that the less I say about it the better. But it pained me very much when I read yesterday the speech of my esteemed friend, Mr. Santosh Kumar Basu, who had the honour of presiding over this Conference. I do not propose to go into the whole of that speech, but I found one sentence in that speech where he maintains that the Bengal Provincial Co-operative Bank is the financial nerve centre of the movement. May I only tell those of my friends who have mentioned of this Conference that the Co-operative Department was never apprised at all of this Conference, or that they were having a Conference at the Town Hall on the 13th July last? May I also ask, if the Bengal Provincial Co-operative Bank of which mention is made by Mr. Basu in his speech was at all invited? The answer is in the negative. May I now remind them that I have had the honour of opening a large number of Conferences that have been held not only in the town of Calcutta but also in district towns with respect to the movement itself and especially with regard to the provisions of this Bill?

Dr. NALINAKSHA SANYAL: They are your protegés!

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As I was saying, Sir, I have had the honour of opening many Conferences

presided over by Collectors or by some non-official gentlemen. The other day in March last when we had a Conference in Calcutta it was opened by no less a person than His Excellency the Governor and presided over by no less an expert than the Hon'ble Mr. Ramdas Pantalu from Madras. That Conference had an opportunity of discussing the provisions of this Bill and also of studying the progress of the movement in this province, and if my honourable friends will be good enough to go through the resolutions passed in that Conference there will not be the least doubt in their minds that the Conference considered this question very seriously and recommended to the Legislature that this might be given effect to as early as possible in order that the scheme that had already been produced could be given effect to at an early date.

I do not think I need go further into details; but I have only one word of sympathy for my friend Maulvi Abdul Wahed Bokainagri of Mymensingh. I sympathise with him for the difficulties that he had encountered, but at the same time, having known about the affairs of this particular place, I do not think that this will be a proper occasion when I can go into this question in detail.

My friend Mr. Sibnath Banerjee has mentioned various difficulties. But may I tell him in reply that it is only to remove these difficulties and to give the movement a fillip and to those concerned with it proper scope for their activities that this Bill has been introduced, and it is now, before the House for its consideration?

I oppose the motion for recommital and I commend my own motion for consideration.

The motion of Dr. Nalinaksha Sanyal that the Bengal Co-operative Societies Bill, 1938, be recommitted to the same Select Committee with instructions to submit their report by 30th September, 1940, and that the quorum of the Select Committee be fixed at five, was then put and a division taken with the following result:—

AYES—48.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Prombari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Nikarendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Maqbul Hossain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.

Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.

NOES—93.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mir. Mirza.
Abdul Hafiz, Mir. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Hosain, Mr.
Affazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Griffiths, Mr. C.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqunai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Patiram.
Sahebe Alum, Mr. Syed.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.I.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lalita Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 48 and the Noes 93, the motion was lost.

Adjournment.

It being 8-15 p.m. and there being no quorum—

The House was adjourned till 4-45 p.m. on Thursday, the 18th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 18th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 221 members.

STARRED QUESTIONS

(to which oral answers were given)

Section 48 of the Court of Wards Act, 1879.

***30. Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that under the provisions of section 48 of the Court of Wards Act, 1879 (Ben. Act IX of 1879), the payments of the religious, charitable and educational allowances have been placed in class III(2); and

(*ii*) that such classification is causing inconveniences in maintaining the worship of the family deities, the charitable dispensaries and in educating the sons and daughters of many of the wards?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to amend the provisions of the said Act?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) The payment of religious and charitable allowances is included in class III but the payment of allowances for the education of wards is included in class I.

(*ii*) No such inconvenience has been brought to the notice of Government.

(*b*) Does not arise.

Mr. NISHITHA NATH KUNDU: There has been some mistake in my question. I really wanted to know if it is not a fact that the educational allowances of the family members of the wards, namely, sons and daughters, are placed in Class III (2)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The reply is already there.

Mr. NISHITHA NATH KUNDU: That is for the wards. What I wanted to know is whether it is not a fact that the educational allowances for the sons and daughters and other family members of the wards are placed under Class III (2)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not included in Class I and that has never been included in that class.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what is the idea behind this difference in placing the educational allowances of the wards in Class I and the educational allowances of the wards' wards in Class III (2)?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Government do not see the propriety of including these items in the payment of religious and charitable allowances in Class I?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, because there has been no complaint up till now on that ground.

Babu NAGENDRA NATH SEN: Without any complaint cannot Government place these items in Class I?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It has caused no inconvenience to anybody.

Establishment of a District School Board in Jessore.

***31. Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether a District School Board is likely to be formed for the district of Jessore?

(*b*) If so, when?

(c) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(d) Will the Hon'ble Minister be pleased to state why so long the Primary Education Act was not introduced in Jessore?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The member is referred to the reply given to his starred question No. 109, on the 27th February, 1940.

Road communications between Tangail and Jagannathganj and Tangail and the nearest steamer station.

*32. **Mr. AMRITA LAL MANDAL:** (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the communication of the railway stations, Jagannathganj and Serajganj, with the Tangail town is bad even in the dry season?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of approaching the authorities for the extension of the Mymensingh and Jagannathganj railway line up to Pingna steamer station *ghat* further south as far as practicable?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) I am not prepared to dispute the opinion of the honourable member so far as it relates to communications by road between Tangail and Jagannathganj and Tangail and the nearest steamer station.

(b) In view of the reconstruction of the Tangail-Kalihati-Madhupur-Muktagacha Road I do not think that the Railway Administration would agree to undertake the construction of a railway from Jagannathganj to Pingna and to the south of the latter station. My view at present is that the local authorities would be well advised to improve the road from Tangail to the nearest steamer station, and the road from Pingna to Gopalpur and thence to the Tangail-Mymensingh Road.

Rural uplift grant for Mymensingh district.

*33. **Mr. AMRITA LAL MANDAL:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) the amount of money allotted to Mymensingh district from the Village Reconstruction Fund in the year 1939-40;

(b) the amount spent during the year;

a.

(c) the amount spent for (1) Tangail, (2) Jamalpur and (3) Mymensingh Sadar South in the year; and

(d) the amount allotted for the current financial year to the district from the same Fund?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): Sir, may I request that the answer may be taken as read?

Mr. SPEAKER: The answer is taken as read. In future, you might just give instruction that in such cases the answer may be given thus—"the figures are given below."

The Hon'ble Mr. H. S. SUHRAWARDY:

	From discretionary grants sanctioned from provincial revenues for rural reconstruction work in the districts.	From Government of India's rural reconstruction grants.
(a)	Rs. 15,435	Rs. 61,762
(b)	Rs. 14,680	Rs. 34,593
(c)	The figures are not readily available.	
(d)	Rs. 4,200	Rs. 15,906

Up to 30th June, 1940.

Maulvi MUHAMMAD ISRAIL: With reference to answer (d), will the Hon'ble Minister be pleased to state whether there would be any other allotment after the 30th June, 1940?

The Hon'ble Mr. H. S. SUHRAWARDY: That depends on demands from the District Magistrate.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state why the allotment for the current year is so low in comparison with the previous year?

The Hon'ble Mr. H. S. SUHRAWARDY: Because the current year is not yet over.

Communal ratio in Registration Offices in Dinajpur district.

*34. **Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state what is the present ratio of percentage of the—

(1) Hindu,

(2) Muslim, and

(3) Scheduled Caste

clerks in the registration offices in Dinajpur?

The Hon'ble Mr. A. K. FAZLUL HUQ: (1) 50 per cent., (2) 50 per cent., and (3) nil.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I may add that two appointments have been made since this answer was written.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state whether he will see that the ratio of percentage for the Scheduled Castes is reached as early as possible?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the appointments were made before the ratio of percentage was settled. Since then, as I have already said, two appointments have been made, and more appointments will be made to reach the ratio.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether it is the general rule that no ratio of percentage is fixed in the Registration Department in Dinajpur?

The Hon'ble Mr. A. K. FAZLUL HUQ: But it is observed as a rule.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if the term "Hindu" does not include the Scheduled Castes?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is more than I can say. We have proceeded on the basis of Caste Hindus and Scheduled Castes.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (3), namely, nil, will the Hon'ble Minister be pleased to state whether there is any man belonging to the Scheduled Castes working in the Registration Department in the district of Dinajpur?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have already said, two appointments have since been made from outside the Caste Hindus.

Reservation of Muhammadan Marriage Registrars' posts for old-scheme-passed Maulvis.

*35. **Maulana MD. MANIRUZZAMAN ISLAMABADI:** Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether the Government contemplate the reservation of the posts of Marriage Registrars for the employment of the old-scheme-passed Maulvis of Bengal and "Darsy Nizamia" passed Ulemas of the upcountry, namely, Deobond, Delhi, etc.?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, the cases of these Maulvis are duly considered along with other deserving candidates.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Government contemplate prescribing any minimum qualifications for the Muhammadan Marriage Registrars in future?

The Hon'ble Mr. A. K. FAZLUL HUQ: The qualifications are laid down and the honourable member as a member of the Advisory Committee is well aware that there are distinct qualifications laid down and even the minimum.

Maulvi MUHAMMAD ISRAIL: There is no minimum qualification laid down and even a man who has not passed even in the Islamic Studies can be appointed.

The Hon'ble Mr. A. K. FAZLUL HUQ: The protection against that is the Advisory Committee and if they do not recommend a man, he cannot be appointed.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Interference of Government officials in the matter of labourers joining any labour unions.

17. **Mr. A. M. A. ZAMAN:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the Labour Commissioner, the Assistant Labour Commissioner, the Labour Welfare Officer and the Inspector of Factories have advised the workers everywhere not to join any union under the All-India Trade Union Congress;

(*ii*) that they have been asked to join the National Chamber of Commerce (Labour) under the Bengal Muslim League; and

(*iii*) whether they were told that if they did so their interests would be looked into?

(*b*) Is it permissible for a Government servant or officer to indulge in such propaganda?

(*c*) If not, what action does the Hon'ble Minister propose to take in the matter?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No.

(*b*) and (*c*) Do not arise.

Dr. SURESH CHANDRA BANERJEE: With reference to answer to (*a*), will the Hon'ble Minister be pleased to state what is the source and nature of his information for saying "No"?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: In his answer the Hon'ble Minister says that he is not aware that the Labour Commissioner, the Assistant Labour Commissioner, the Labour Welfare Officer and the Inspector of Factories have advised the workers everywhere not to join any union under the All-India Trade Union Congress. Will the Hon'ble Minister be pleased to state whether he has made any enquiries into the allegations contained in this question?

Mr. SPEAKER: After all, what is your substantive question?

Mr. NIHARENDU DUTTA MAZUMDAR: It is on a definite statement of facts that this question has been put, and I am asking the Hon'ble Minister whether he has made specific enquiries.

Mr. SPEAKER: What nature of enquiry?

Mr. NIHARENDU DUTTA MAZUMDAR: Enquiry from these officers, from Trade Union officials and others connected with the All-India Trade Union Congress, that is, from all parties concerned.

Mr. SPEAKER: That is too vague.

Mr. NIHARENDU DUTTA MAZUMDAR: Did he make any enquiries from the aggrieved persons of the All-India Trade Union Congress?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am not aware that any persons of the All-India Trade Union Congress are aggrieved.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if it is not a fact that the Assistant Labour Commissioner asked the workers of the Electric Supply Corporation at Matiabruz on the 14th April to give up membership of the Red Flag Union and join the White Flag Union which is the Union of the National Chamber of Commerce?

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member had put a specific question like that, I would certainly have made specific enquiries; but I may state here at once that if the Assistant Labour Commissioner did advise the labourers to give up all connection with the Red Flag Union, he has my cordial support and the support of Government in this matter.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to the answer of the Hon'ble Minister that he is not aware of any person of the All-India Trade Union Congress being aggrieved, is he aware that the questioner himself is a person connected with the All-India Trade Union Congress who takes upon himself the responsibility to make this statement?

The Hon'ble Mr. H. S. SUHRAWARDY: He may be connected with the All-India Trade Union Congress.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he made any attempt to make enquiries of registered trade unions which are connected with the All-India Trade Union Congress and are alleged to have suffered these grievances?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware whether any trade union is alleged to have suffered.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to his statement in answer that if the Labour Commissioner or other officers advised the workers not to join any Red Flag Union such officer would have the cordial support of the Hon'ble Minister, will the Hon'ble Minister be pleased to state whether the trade unions duly registered by the Bengal Government using the Red Flags are also an object of this propaganda against them?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no propaganda against any trade union. I have pointed out on the floor of this House that the policy of Government is to direct the attention of labourers towards constitutional trade unions, and it is the duty of Government officers, if they have to advise them at all, to advise them to conduct their activities in a constitutional manner.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Government of Bengal registered any unconstitutional trade union?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: I submit, Mr. Speaker, that the question arises in this way; the Hon'ble Minister said that if there are any unconstitutional unions he would support the Labour Commissioner and other officers of the Labour Department in discouraging the workers in joining such unions.

Mr. SPEAKER: Please put your question in a more clear form.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the use of the Red Flag by a trade union is an unconstitutional act?

Mr. SPEAKER: I doubt whether it is the concern of the Commerce Department. It rather concerns the Home Department.

The Hon'ble Mr. H. S. SUHRAWARDY: The question of Red Flag does not occur anywhere in the question.

Mr. NIHARENDU DUTTA MAZUMDAR: He referred to it in his statement, and I am sure I am entitled to ask questions with regard to the Red Flag which seems to be a red rag to him.

Mr. SPEAKER: That I think you ought to have known by this time.

Mr. NIHARENDU DUTTA MAZUMDAR: Red Flag is now so much in his brain that it is now a pathological state with him. Therefore I ask this question.

Mr. SPEAKER: That does not arise.

Road and waterworks for rural areas in Kurigram subdivision.

18. Kazi EMDADUL HAQUE: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether during the last five years there had been any allotment from Provincial or Central revenue on road and waterworks for rural areas in Kurigram subdivision of the Rangpur district?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what is the amount of that allotment;

(*ii*) whether the work was done by contractors;

(*iii*) if so, who were these contractors;

(*iv*) how many of them belonged to the district; and

(*v*) how many of them were from outside the district?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) (*i*)

Central Revenue (Government of India's grant) Village Communications.

	Excluding waterways.	Including waterways.
1935-36 ..	No allotment.	No allotment.
1936-37 ..		
1937-38 ..		
1938-39 ..	Rs. 200	Rs. 1,300.
1939-40 ..	No allotment.	Rs. 2,000.

Water-supply—

1934-35 ..	No allotment.
1935-36 and 1936-37 ..	Rs. 2,050-4.
1937-38 ..	Nil.
1938-39 ..	Rs. 2,265.

Provincial Revenue.

Water-supply—

	Rs.
1934-35 ..	1,250.
1935-36 ..	1,200.
1936-37 ..	1,000.
1937-38 ..	1,125.
1938-39 ..	5,588.

(*ii*) Yes.

(*iii*) A list has been laid on the Library table.

(*iv*) Twenty-five.

(*v*) Nine including three domiciled in the district.

Grant-in-aid to the High English School at Domohini, Jalpaiguri.

19. Mr. J. N. GUPTA: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is a High English School at Domohini?

(*b*) Does this school receive any grant-in-aid from the Government of Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Yes: Rs. 100 per month.

Pension for workers in Jute Mills of Bengal.

20. Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the Government contemplate introducing, in near future, either through a Bill or otherwise, a liberal and regular system of pension for workers in the jute mills of Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: This question has been engaging the attention of Government for some time; I have impressed upon the employers the desirability of granting pensions to workers and many of them are doing so. I have suggested further discussion on the matter with the Indian Jute Mills Association and I hope I will be able to come to a satisfactory arrangement with them. One great difficulty is the want of proper service records in the compilation of which subversive elements are creating all kinds of obstacles.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether he has got any objection to introducing a Bill as regards pension so that the pension may be more systematic and regular?

The Hon'ble Mr. H. S. SUHRAWARDY: Before I introduce a Bill I must come to some kind of agreement or at any rate discuss the matter with the employers and find out whether they will be able to support any scheme for pension that we may introduce.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether similar assurances that something like this would be done were given three years ago?

The Hon'ble Mr. H. S. SUHRAWARDY: My memory does not carry me as far as that.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state as a result of the negotiation with the mill-owners how many mills have up till now agreed to pay pension to their old hands?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot say how many mills have agreed, but I am sure that some mills have done so.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how are the subversive elements preventing his doing good to the workers?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to name some of the mills which have agreed to pay pension to their old hands?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I cannot give the names. I can assure him that there are some such mills, because I frequently used to get complaints from the workers who were superannuated that they were not getting their pensions, but they are getting pensions now. I remember one mill called the Howrah Jute Mill owned by the Jardine Skinners which has got a very elaborate scheme of pensions and gratuity.

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister aware that in many of the mills the old workers who are entitled to pension are being dismissed *en masse*?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the Howrah Jute Mill has agreed to a system of pension based on some definite law or will it be optional?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: The Hon'ble Minister said that it has a system of pension.

Mr. SPEAKER: The natural corollary to that will be that I will have to allow other things, not arising out of the original question. I allowed those questions in order that the point may be made clear. You may next ask what is the pension, what is the amount, who are the people who are drawing it, and so on.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to the Howrah Jute Mill which is granting pension to the old hands, will the Hon'ble Minister be pleased to state what is the basis of the statement that he has made?

Mr. SPEAKER: Again that question!

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he has ascertained from the workers of the Howrah Jute Mill as to whether they are actually receiving any such pension?

The Hon'ble Mr. H. S. SUHRAWARDY: I thought that the honourable member was in touch with the labourers, but I find now that he is not. I have ascertained from the labourers and I speak from knowledge when I say that the Howrah Jute Mill is granting gratuities or pensions.

Dr. SURESH CHANDRA BANERJEE: With reference to the Hon'ble Minister's answer that the compilation of proper service records is being made difficult owing to the troubles created by subversive elements, will he be pleased to describe more or less definitely the nature of the obstructive activities of them, because we are all in favour of keeping of service books?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid there is a split in the camp of the subversive elements. If the honourable member is really anxious that proper service records are maintained, it is up to him to see that when the mills try and attempt to make the proper records, they should not be prevented from doing so.

Mr. SIBNATH BANERJEE: The Howrah jute mill-workers who have put in 25 years' service are offered some gratuity only and that also is limited to Rs. 50 and not more than that. Does the Hon'ble Minister consider it sufficient?

Mr. SPEAKER: That is a question of opinion.

The Hon'ble Mr. H. S. SUHRAWARDY: I think the honourable member is somewhat misinformed.

Report of the Bengal Jute Enquiry Committee.

21. Mr. CHARU CHANDRA ROY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether the Government has gone through the recommendations made by the Bengal Jute Enquiry Committee in their report; and

(*ii*) whether it is a fact that the report is practically unanimous, only two I.C.S. officers and two European members differing from the majority?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government contemplate working out the recommendations made by the Committee?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) Yes.

(*ii*) The report is unanimous except in respect of the two vitally important matters of the marketing of jute and the problem of price-fixation.

In regard to the marketing of jute, five members have signed the minority note subject to a note of reservation by two European members who support the majority views in respect of futures markets only.

Regarding price-fixation, the minority note is signed by two I.C.S. officers and two European members. In view of the fundamental differences of opinion on these very important questions it is hardly correct to describe the report as "practically unanimous".

(*b*) The report is receiving the best consideration of Government and suitable action is being taken thereon.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what suitable action has so far been taken by the Government on the recommendation of the Jute Enquiry Committee?

Mr. SPEAKER: It is absolutely clear that Government have taken no action.

Mr. MADHUSUDAN DAS: Will the Hon'ble Minister be pleased to state what is the suitable action taken by the Government up till now?

Mr. SPEAKER: As I have said they have taken no action.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state what kind of action is being taken?

The Hon'ble Mr. TAMIZUDDIN KHAN: I may refer to one principal action that is being taken. One of the principal recommendations of the Committee is that the production of jute should be regulated. In order that Government may be able to do that, they have undertaken an extensive survey of jute land in the province and the survey proceedings are now going on.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে বোলবেন গভর্ণমেণ্ট কর্তৃক জুট রেগুলেশন ঐ পর্য্যন্তই করা হয়েছে ঠিক যে পর্য্যন্ত য়ুরোপীয়ান mill-ownerরা স্বীকার কোরেছেন, তার বেশী কিছু করেন নাই একথা কি সত্য?

The Hon'ble Mr. TAMIZUDDIN KHAN: The honourable member may ask the mill-owners.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় যে বোলেছেন যে Jute Regulationএর দিক দিয়ে আমরা কাজ আরম্ভ করেছি সে সম্বন্ধে আমার প্রশ্ন হোচ্চে যে European jute-mill ownerরা যে পর্য্যন্ত স্বীকার কোরেছেন সেই পর্য্যন্তই Government কাজ কোরেছেন না আরো কিছু কোরেছেন?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not in a position to say what the mill-owners think about this matter. I have stated what Government has done.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ কোরে Houseকে জানাবেন আর কি কি চিন্তাধারা বা বিবেচনা গভর্ণমেণ্টের মনে আছে Jute Regulation Committeeর Report অনুসারে কাজ করার জন্য?

Mr. SPEAKER: কি কি চিন্তাধারা মনে আছে তা বলা যেতে পারে না।

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us whether the activities of the Government with regard to the Jute Enquiry Committee's recommendations are being restricted by the influence and opinion of the Jute Mills Association?

(No answer.)

Activities of the National Chamber of Commerce (Labour) under the Bengal Muslim League.

22. Mr. A. M. A. ZAMAN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) whether it is a fact that rickshaw-*wallas*, *ferri-wallas*, and hawkers in Calcutta have been informed by the Inspector of Factories, the Labour Commissioner, the Assistant Labour Commissioner and also the Labour Welfare Officer and the Police that if they join the National Chamber of Commerce (Labour) under the Bengal Muslim League, they will not be arrested by the police; and

(*ii*) whether the actions of the said officers had the previous consent of Government?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state what action he proposes to take against the said officers?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) No.

(*ii*) and (*b*) Do not arise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister please state whether it is a fact or not that *ferrywalas* belonging to certain unions on showing a peculiar card get their release from the police, whereas people belonging to certain other unions do not get it?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, it is not so. I may state here that there is no such organization in existence as the National Chamber of Commerce (Labour) under the Bengal Muslim League.

Dr. SURESH CHANDRA BANERJEE: But, Sir, that is not my question. My question is otherwise.

The Hon'ble Mr. H. S. SUHRAWARDY: I have replied to your question.

Promotion of foreign diploma and degree-holders in Educational Services.

23. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) With reference to the answer given to clause (*a*) of unstarred question No. 31 on the 19th December, 1939, will the Hon'ble Minister in charge of the Education Department be pleased to state whether he has since seen

the note issued by the Government of Bombay regarding the promotion of foreign diploma and degree-holders in the Education Department?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the adoption of the policy for Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) Government do not consider it necessary to change their policy.

Adjournment Motion.

Mr. SYED JALALUDDIN HASHEMY: Sir, you have given me your consent to move a motion of adjournment this afternoon. May I read out my motion? It is this—

That the business of the Assembly do stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the order of Government prohibiting the publication of any news, etc., regarding the Holwell Monument agitation, thereby curtailing the elementary right of freedom of expression and freedom of association of the citizens.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I have also tabled another adjournment motion for which I have got your consent relating to the matter I mentioned to you yesterday. I have just received a whip from our party conveying the desire of our Leader that in view of two Opposition motions I should give way and accordingly I hope that my friend Mr. Hashemy will be permitted to move his motion, if it is found in order in preference to mine.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, how can that be? If it is voluntary withdrawal on the part of Dr. Sanyal, then Dr. Sanyal's motion cannot be taken up at all.

Dr. NALINAKSHA SANYAL: My idea is this, that in case Mr. Hashemy's motion is not admitted, I am giving him the first chance to move it, so that if his motion fails I shall move mine. I am simply giving him preference.

The Hon'ble Khwaja Sir NAZIMUDDIN: That cannot be possible. There cannot be any such preference.

Dr. NALINAKSHA SANYAL: I may draw your attention to the rules, Sir, under which only one motion for adjournment can be taken up on any one day. But so far as leave to move such a motion

is concerned both of us may seek that leave, although the question may be discussed on two separate days. And in case one leave is granted, the other motion will not be pressed to-day. But in case leave is not granted to my friend, I may seek leave for mine subsequently.

Mr. SPEAKER: All right, let me examine the motion. I find in Mr. Hashemy's motion the words "freedom of association." How do these words come in, I mean—how are they relevant?

Mr. SYED JALALUDDIN HASHEMY: It means that we are not entitled to publish any news or any advertisements or any notice. It implies——

Mr. SPEAKER: What has advertisement got to do with "freedom of association"?

Mr. SYED JALALUDDIN HASHEMY: It implies that we are debarred from the right of association as well.

Mr. SPEAKER: So far as I know, advertisement and publicity do not seem to have anything to do with association.

Mr. SYED JALALUDDIN HASHEMY: If we hold public meetings but notice thereof is not allowed to be published in newspapers, it amounts to excluding all association. There would be no meeting at all if no notice is published in the papers. I further submit that without any notice it is impossible to hold any good public meeting.

Mr. SPEAKER: There is nothing in the Gazette by which you are prohibited from issuing notices for a meeting.

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir, there is. May I read it out? It is this:—

(1) any document containing a reference by way of statement, advertisement, notice, news, photograph or comment to any of the following topics:—

(A) arrests made in connection with the Holwell Monument agitation, and

(B) any procession, meeting, assembly or demonstration held, speech delivered or thing done or omitted to be done in connection with the said agitation; and

(2) any document containing a reference by way of comment to this order."

Mr. SPEAKER: I take it that procession, meeting, assembly, demonstration, means that it is actually held.

Rai HARENDRA NATH CHAUDHURI: But, Sir, no notice of a meeting can be published. So the purpose of a meeting will be frustrated.

Mr. SPEAKER: It is very difficult really to agree with your view.

The Hon'ble Khwaja Sir NAZIMUDDIN: Notice of a meeting can be published, Sir, but not that of the object of a meeting in connection with the Holwell Monument.

Rai HARENDRA NATH CHAUDHURI: Sir, without a notice how can a meeting be held?

The Hon'ble Khwaja Sir NAZIMUDDIN: It can be done by beat of drum.

Mr. SYED JALALUDDIN HASHEMY: We shall be glad if the Hon'ble Home Minister will kindly take the trouble of beating the drum throughout Calcutta for us.

Mr. SPEAKER: I am sure he will not beat your drum.

There is one thing I want to make clear. You cannot under this motion discuss the Holwell Monument at all. You can only discuss the question as to whether Government has acted rightly or wrongly or whether the action of the Government is proper or improper so far as the notice is concerned.

Rai HARENDRA NATH CHAUDHURI: No, how can we? The motion is directed only against the notice.

Mr. SPEAKER: I have to be very clear on this point, because the day before yesterday though the adjournment motion concerned the arrest of Mr. Subash Chandra Bose, everything was discussed about the Holwell Monument.

Rai HARENDRA NATH CHAUDHURI: Even the official reply was about that.

Mr. SPEAKER: As this is an important matter, I do not want to stop it, but I want to be absolutely clear that any discussion about the Holwell Monument is wholly out of the question. Subject to that, I consider the motion is in order, unless the Hon'ble Home Minister has anything to say.

Mr. NIHARENDU DUTTA MAZUMDAR: May I rise on a point of information, Sir. The notice has reference to the Holwell Monument. When we are discussing the notice, the mere reading out of the notice will compel one to mention the Holwell Monument. You have said, Sir, that even the mention of the Holwell Monument will be out of order.

Mr. SPEAKER: You are a lawyer and I believe you understand the implications.

Sir Nazimuddin, have you any objection to leave being granted to the adjournment motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have objection, Sir.

Mr. SPEAKER: As objection has been taken, I have to ask those members who are in favour of this motion to stand up.

(More than 50 members stood up.)

As there are more than 50 members in favour of this motion, I hold the motion is in order, and I fix 5-45 p.m. as the time when this motion will be taken up.

Dr. NALINAKSHA SANYAL: In view of your decision on this motion, will you kindly waive the urgency with regard to my motion, and allow it to be taken up to-morrow?

Mr. SPEAKER: No, your motion falls through.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1938.

Mr. SPEAKER: The House will now resume further discussion of the Bengal Co-operative Societies Bill, 1938.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal Co-operative Societies Bill, 1938, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Clause 1.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 1 (*i*), line 2, for the figures "1939" the figures "1940" be substituted.

It is more or less a formal correction.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I accept it.

The motion of Dr. Nalinaksha Sanyal that in clause 1 (*i*), line 2, for the figures "1939," the figures "1940" be substituted, was then put and agreed to.

The question that clause 1 as amended stand part of the Bill was then put and agreed to.

Clause 2.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 2 (*b*) be omitted.

I also beg to move that in clause 2 (*d*), lines 2-3, for the words "objects of which include" the words "the primary object of which is" be substituted.

Mr. SPEAKER: Is that an improvement?

Dr. NALINAKSHA SANYAL: Yes, Sir. I would just explain why I want this change. The definition of a central co-operative land mortgage bank is given as a co-operative society, the objects of which include the creation of funds to be lent to co-operative land mortgage banks so that the idea has been created that among many other objects this is one. I would not like any central bank which merely among many others of its functions advances to a land mortgage primary bank to be classed as a central co-operative land mortgage bank.

Mr. SPEAKER: Are you going to move amendment No. 8?

Dr. NALINAKSHA SANYAL: Yes, Sir. I beg to move that in clause 2 (*e*), lines 2-3, for the words "objects of which include," the words "the primary object of which is" be substituted.

Sir, I need not dilate upon the reasons. There was a note circulated to the Select Committee in which no less an expert than Rai Bahadur S. K. Ganguly, one of the retired Registrars of Co-operative Society, pressed that these alterations should be effected. I leave it at that.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in clause 2 (*ffff*), lines 2-3, the words "in accordance with which the accounts of a co-operative society are kept" be omitted:

that in clause 2 (*ffff*), line 4, after the word "prescribed" the words "for the keeping of the accounts of a co-operative society" be inserted;

that in clause 2 (*g*), line 1, for the words "which could form," the words "capable of being" be substituted;

that in clause 2 (*g*), lines 2-3, for the words "for dues," the words "in respect of any sum payable" be substituted;

that in clause 2 (*l*), line 1, for the word "the," the word "an" be substituted;

that in clause 2 (*m*), line 5, for the word "or" the word "and" be substituted.

So far as amendments Nos. 5 and 6, moved by Dr. Nalinaksha Sanyal are concerned, I beg to oppose them. I gave my reasons yesterday, and I think I need not repeat them.

Dr. NALINAKSHA SANYAL: What are those reasons?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I said yesterday that it was not possible to separate audit from administration absolutely at the present moment. So far as the central banks are concerned, we have accepted the principle and put that into practice, but with regard to village societies it would mean a huge cost and that it is not possible for Government to undertake it. On that ground I oppose those amendments.

With regard to amendments Nos. 7 and 8, the land mortgage banks will have to do many other things besides acting as financing banks, and therefore, Sir, the clause that we have in the Bill serves the purpose very well, and nothing of the kind mentioned by Dr. Sanyal is necessary. So I oppose.

Dr. NALINAKSHA SANYAL: Sir, may I rise on a point of order? With regard to clause 2 (*b*) where there is a reference to the definition of audit officer, may I submit that this may be held over till we dispose of clause 72 itself, because that clause relates to certain matters about the appointment of the audit officer?

Mr. SPEAKER: Do you expect that better sense will prevail?

Dr. NALINAKSHA SANYAL: Yes, Sir. This is a matter in which the Coalition Party feels equally strongly as we do. Moreover, I have a further submission to make. If you will look up section 72 itself, the term "audit officer" has to be differently construed. It is not possible to have that limited to only section 72.

Mr. SPEAKER: I have no objection to put this along with that.

The following motions of Dr. Nalinaksha Sanyal were then put and lost:—

that in clause 2 (*d*), lines 2-3, for the words "objects of which include," the words "the primary objects of which is" be substituted;

that in clause 2 (*e*), lines 2-3, for the words "objects of which include" the words "the primary object of which is" be substituted.

The motions of the Hon'ble Mr. Mukunda Behary Mullick that in clause 2 (*ffff*), lines 2-3, the words "in accordance with which the accounts of a co-operative society are kept" be omitted; that in clause 2 (*ffff*), line 4, after the word "prescribed" the words "for the keeping of the accounts of a co-operative society" be inserted; that in clause 2 (*g*), line 1, for the words "which could form" the words "capable of being" be substituted; that in clause 2 (*g*), lines 2-3, for the words "for dues" the words "in respect of any sum payable" be substituted; that in clause 2 (*l*), line 1, for the word "the" the word "an" be substituted; and that in clause 2 (*m*), line 5, for the word "or" the word "and" be substituted, were then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, with regard to clause 9, may I submit, that as this is a very important——

Mr. SPEAKER: We have not come to that as yet.

Dr. NALINAKSHA SANYAL: I am sorry, Sir, but that will be the next clause.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 4 (*1*), line 6, the word "express" be omitted and

that in clause 4 (2), lines 3 and 4, for the words "any of the said Acts" the words and figures "the Co-operative Societies Act, 1912" be substituted.

The motions were then put and agreed to.

The question that clause 4, as amended, stand part of the Bill was then put and agreed to.

Clauses 5 and 6.

The question that clauses 5 and 6 stand part of the Bill was then put and agreed to.

Clause 7.

Mr. SPEAKER: Dr. Sanyal, will you move amendment No. 9?

Dr. NALINAKSHA SANYAL: Sir, clause 7 relates to the prohibition of the use of the word "co-operative." It says: "No person other than a co-operative society shall trade or carry on business under any name or title of which the word 'co-operative' or its vernacular equivalent 'samavaya' is part: Provided that nothing in this section shall apply to the use by any person or by his successor-in-interest of any name or title under which he lawfully traded or carried on business at the commencement of this Act."

My amendment is that in the proviso to clause 7, line 4, for the words "this Act" the words and figures "the Co-operative Societies Act, 1912" be substituted.

Mr. SPEAKER: So that you want to go back to 1912?

Dr. NALINAKSHA SANYAL: There are, Sir, a number of societies with such names and if those have been regularly functioning after the operation of the Act of 1912 and if this is not made——

Mr. SPEAKER: But don't you see a danger that if you make it start from 1912 till to-day you will not get any advantage?

Dr. NALINAKSHA SANYAL: On the contrary, those who have been functioning lawfully from 1912 up to the enactment of this piece of legislation would be at once meeting with the difficulty of having to change their names entirely.

Mr. SPEAKER: What I say is this: you agree that there should be this provision. All you say is that this provision should be applicable to those societies which were functioning in 1912 but your amendment, as it stands, will not apply to those which were functioning after 1912 up till to-day.

Dr. NALINAKSHA SANYAL: My correction will read like this: "Provided that nothing in this section shall apply to the use by any person or by his successor-in-interest of any name or title under which he lawfully traded or carried on business at the commencement of the Co-operative Societies Act, 1912."

Mr. SPEAKER: I am sorry, Dr. Sanyal; if you had been a lawyer you would have realised the position. You can ask anybody. You can ask Mr. Banerji.

Dr. NALINAKSHA SANYAL: But this is a suggestion from a practical man.

Mr. SPEAKER: Your drafting is bad. Will you please read it again?

Dr. NALINAKSHA SANYAL: Yes, Sir. It reads thus: "Provided that nothing in this section shall apply to the use by any person or by his successor-in-interest of any name or title under which he lawfully traded or carried on business at the commencement of the Co-operative Societies Act, 1912."

Mr. SPEAKER: Suppose you start a business in 1913, it was not at the commencement of the Act of 1912, and therefore it goes out simply because you started in 1913 instead of in 1912. I think you had better abandon it.

Dr. NALINAKSHA SANYAL: All right, Sir.

The question that clause 7 stand part of the Bill was then put and agreed to.

Clause 8.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 8 (*2*), line 3, after the word "Society" the words "or class of society" be inserted.

Sir, the provisions of sub-clause (*2*) are with regard to the power to make rules conferred by sub-section (*1*) which shall be subject to

the condition that no rule be made to the prejudice of a co-operative society without giving such society an opportunity to represent its case. But there would be cases where a group of societies or a class of societies would be prejudicially affected and not one particular society. Therefore, I am just trying to get some drafting improvement effected by adding these words "or class of society."

Mr. SPEAKER: Which clause are you reading?

Dr. NALINAKSHA SANYAL: Clause 8, Sir.

Mr. SPEAKER: Clause 8 has been changed by the Select Committee.

Dr. NALINAKSHA SANYAL: But I am suggesting some drafting improvement.

Mr. SPEAKER: I see; you want to add those words?

Dr. NALINAKSHA SANYAL: Yes, Sir.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 8 (*1*), line 1, for the word "rule" the word "rules" be substituted.

I also beg to move that in paragraph (*a*) of clause 8 (*1*), line 1, after the words "class of" the word "such" be inserted.

I further beg to move that in paragraph (*b*) of clause 8 (*1*), line 2, after the words "class of" the word "such" be inserted.

Lastly, I beg to move that in paragraph (*b*) of clause 8 (*1*), line 3, for the word "rule" the word "rules" be substituted.

I am opposing Dr. Sanyal on the simple ground that it is not necessary and that if no rules can be framed by Government to the prejudice of a society it follows that it cannot be done with regard to any class of society.

The motion of Dr. Nalinaksha Sanyal that in clause 8 (*2*), line 3, after the word "Society" the words "or class of society" be inserted was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in clause 8 (*1*), line 1, for the word "rule," the word "rules" be substituted;

that in paragraph (*a*) of clause 8 (*1*), line 1, after the words "class of" the word "such" be inserted;

that in paragraph (*b*) of clause 8 (*1*), line 2, after the words "class of" the word "such" be inserted;

that in paragraph (*b*) of clause 8 (*1*), line 3, for the word "rule" the word "rules" be substituted,

were then put and agreed to.

The question that clause 8, as amended, stand part of the Bill was then put and agreed to.

Clause 9.

Dr. NALINAKSHA SANYAL: Now may I submit, Sir, that clause 9 which, I think, the Hon'ble Minister will agree, is one of the contentious clauses of this Bill may be held over till after the disposal of the adjournment motion because we have got only 10 or 12 minutes left, and I believe that it will take a long time to dispose of this clause. I would rather take up other clauses leaving out clause 9 for the time being.

Mr. SPEAKER: I do not mind that. We can dispose of clause 10.

Clause 10.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 10 (*b*) for the expression "Co-operative Society," wherever it occurs, in lines 1 and 2, the words "financing bank" be substituted.

I also beg to move that in clause 10 (*b*), lines 2-3, for the words "of the co-operative society first mentioned" the words "or borrower of such financing bank" be substituted.

Sir, this clause seeks to confer certain powers on the co-operative societies of which other co-operative societies are members. It reads thus: "Subject to the rules, the Provincial Government may, by general or special order, in this behalf, confer all or any of the powers entrusted to the Registrar by or under this Act other than those specified in the Second Schedule—

(*a*) upon any person appointed under section 9 to assist the Registrar; and

(*b*) upon any co-operative society in respect of any other co-operative society which is a member of the co-operative society first mentioned."

I submit, Sir, that in case this co-operative society is a financing bank it is quite regular that the financing bank should have some jurisdiction or some facility to have some supervision over the bank to which

money has been financed, but it would be opening out a rather dangerous principle, and it would be creating interference where interference is absolutely uncalled for if any co-operative society is allowed supervision over another co-operative society over which it has no control simply because it happens to be a member. I quite appreciate that if it has borrowed money, then that bank should have some control, but if it does not borrow money and it is merely a depositor, it is simply unthinkable that there should be supervision by a debtor bank over a creditor bank. That is why I have suggested that the words "financing banks" should be substituted in place of the words "co-operative society" in the first two lines and the words "or borrower of such financing bank" in place of the words "of the co-operative society first mentioned."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have to oppose all these amendments of Dr. Sanyal, as I feel that some amount of misapprehension is still lingering; for it will not be the only duty of a co-operative society to advance money. There will be various other duties for the societies to perform, and therefore it was thought that in order to develop the spirit of co-operation amongst these bodies some powers of the Registrar should be delegated to the co-operative societies. For instance, the Bengal Co-operative Alliance which has got nothing to do with financing has got affiliated to it a large number of co-operative societies and banks. It is a question of organisation and things of that nature. The clause, as it stands, does not preclude and it is not designed to preclude any financing bank having financial dealings with its constituents in a proper way. Therefore I submit that we would be restricting the power that is sought to be given to these institutions if we are to accept the amendments of Dr. Sanyal. So I oppose these amendments.

The motions of Dr. Nalinaksha Sanyal that in clause 10 (*b*) for the expression "co-operative society," wherever it occurs, in lines 1 and 2, the words "financing bank" be substituted, and that in clause 10 (*b*), lines 2-3, for the words "of the co-operative society first mentioned" the words "or borrower of such financing bank" be substituted were then put and a division taken, with the following result:—

AYES—70.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Narendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.

Dutta, Mr. Bhirendra Nath.
Dutta, Mr. Harendra Nath.
Dutta, Mr. Subhamar.
Dutta Gupta, Miss Mira.
Dutta Mazumder, Mr. Nibaranda.
Emdadul Haque, Khan.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khaitan, Mr. Debi Prasad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Mapiruzzaman Islamabadi, Maulana Md.
Mookherjee, Dr. Syamaprasad.
Mukerjee, Mr. Taraknath, M.B.E.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prasanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahar Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—96.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Ekbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Griffiths, Mr. C.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Naziruddin, the Hon'ble Khwaja Sir, K.C.I.E.

Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Scotson, Mr. Robert.
Serajul Islam, Mir.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khonkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 70 and the Noes 96, the motions were lost.

The question that clause 10 stand part of the Bill was then put and agreed to.

Adjournment Motion.

Mr. SYED JALALUDDIN HASHEMY: I beg to move that the business of the Assembly do stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the order of the Government prohibiting publication of any news, etc., regarding the Holwell Monument agitation and thereby curtailing the elementary right of freedom of expression and freedom of association of the citizens.

Having regard to your wishes I do not propose to say a word about the Holwell Monument. From to-day it ceases to be a monument of historical myth. From to-day it becomes a monument of ministerial autocracy and *zoolum* under the vaunted régimé of Provincial Autonomy. The future generations if they so desire, may inscribe 11 more names on it to add to the glory of the monument and of the popular Government of Bengal. News has been suppressed. In this connection it will not be out of place if I cite one example from the province of Pùnjab. You are aware of the intensity and volume of the Khaksar movement in the Punjab. You are also aware of the clash between the police and the Khaksars in the Punjab and its consequences. Yet, Sir Sikandar Hyat Khan, the Chief Minister of the Punjab, did not think it worth while to suppress any news of arrest, murder, and shooting of the Khaksars. But this popular Government of Bengal thought it fit to suppress small news of arrest of 5 persons or 10 persons or 20 persons and of mild *lathi* charges on the Satyagrahis from day to day. What will be the net result of the suppression of the news. The result will be that exaggerated and false rumours will spread in the city like anything. The Hon'ble the Home Minister is here and if he is not aware, he may ring up the Chief Police Officer of the city. He will find that even this morning thousands and thousands of posters and placards were found in South and North Calcutta on light posts and other places. The net result of the suppression of this news will not suppress this

agitation at all; rather it will give more incentive to the young men who have undertaken to take this holy mission to an end. We talk of democracy. From September last when the world war began we are talking of democracy; we are thinking of democracy. We are afraid that if the Nazi Government wins the democracy of the world will come to an end. We are also thinking on the same lines as regards this popular Government. Some of us comtemplate forming a civic guard to protect ourselves in case there is internal trouble. Some of us are joining the artillery to protect the coast of this country, and some are even prepared to go to the United Kingdom of Britain and Ireland to knock down the Nazi bombers only to save democracy. Is this the example of democracy that we find to-day in the order of the Government that has been issued this morning? The order of Government has been published in the *Calcutta Gazette Extraordinary* to-day. I will read out order No. 2:—

"Any document containing a reference by way of comment to this order."

I could have understood the Government if they had prohibited comments on any news or comments on the action taken by the Satyagrahis or volunteers. That would have been to a certain extent legitimate.

Now let me read out order No. 1: "Any document containing a reference by way of statement, advertisement, notice, news, photograph, or comment to any of the following items." Then again Government will not even allow people of this province to know how many persons, how many young men, how many Hindus, how many Muslims, how many ladies have been arrested in this connection. These tactics, these erroneous tactics have already been adopted by bureaucratic Government in the past. And I know every such attempt has ultimately failed, and I am sure this attempt of this popular Government to hide their own shame will ultimately fail. This is a popular Government. If the Hon'ble Ministers have courage, if they are honest and if they have courage of conviction, let them declare that they are not going to remove the Holwell Monument in any circumstances. (Maulvi ABUL HASHIM: They have done that.) If they had done that they ought not to have taken shelter under this sort of autocratic order. It is only possible in Germany and Germany alone. We condemn Hitler for his autocracy. But in normal times I think even Hitler will be ashamed to pass such an order.

Sir, to me it appears that the Muslim young men of Bengal as a whole have identified themselves with this movement, and it is only because the Muslim young men have now come out of the darkness in which they were steeped so long that they have become alive to the

slur on their community that this Holwell Monument represents. Sir, it is very strange that when Hindu young men offer themselves for arrest they are arrested and taken into custody and many of them have also been convicted, whereas when similar offences are committed by Muslim young men when they offer themselves for arrest and are actually arrested by the police and are taken into custody, they have been released and definite directions are given——

Mr. SPEAKER: I am sorry, Mr. Hashemy, that you are going beyond the scope of the motion.

Mr. SYED JALALUDDIN HASHEMY: Sir, I was saying that only by way of reference.

Mr. SPEAKER: It is only with reference to the Gazette notification and the disadvantages consequent upon that that you can speak.

Mr. SYED JALALUDDIN HASHEMY: These arrests are made in connection with the Holwell Monument agitation and therefore even a passing reference may be necessary.

Mr. SPEAKER: I did not as a matter of fact stop you so long as you were confining yourself to the subject of the arrest, but as soon as you say that the police were instructed to release the Muslim young men—which Government is not going to admit—you at once put yourself out of order.

Mr. SIBNATH BANERJEE: But, Sir, that is our guess.

Mr. SPEAKER: Had it been the question of arrest and release for the purpose of keeping such news out of the knowledge of the public then I could understand it. But you say that there is an instruction to release the Muslim young men. I cannot allow that.

Mr. SYED JALALUDDIN HASHEMY: Sir, it is only normal to expect from the popular Ministers of Bengal that they will be on the same level, the same standard as that of the Government of the Punjab. Sir, I have already said that in the Punjab the Chief Minister, Sir Sikandar Hyat Khan, did not even contemplate to take such a drastic step or steps as have been taken by the Government of Bengal. Sir, some of us even in this House are dreaming of Dominion Status of the Westminster variety and some of us are contemplating a so-called National Government and some of us are also dreaming of Independence.

Mr. SPEAKER: I am sure you are looking at the wrong side. (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: If this is the beginning of Dominion Status of the Westminster variety, if this is the start of a National Government and if this is the beginning of the substance of Independence, then I am afraid we are nowhere. Sir, the Ministers are aware that this agitation is not at all a political agitation. It is not an agitation of to-day. The Nawab Siraj-ud-dowlla Committee was started, was formed, some four years ago, and that committee consisted of responsible members of the Muslim League and all of them have been advocating this cause for the last four years. Sir, it is a genuine movement and it is born of a genuine desire to remove this national disgrace. Sir, the whole of Bengal is keenly expecting to get daily news of the result of this movement and they are also looking up the columns of the newspapers for the action taken by this popular Ministry of Bengal in this particular matter. Sir, have we under this popular Government——

(At this stage the member having reached the time-limit resumed his seat.)

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, the question raised by this particular motion is very simple, but it involves grave consequences to the civil liberties of the people, particularly when the people of the province are said to be governed under a responsible and popular Government. Sir, the mask of irresponsibility which was hidden by phrases and stock ideologies even of this Government has on several occasions been lifted and its true character exposed and the present occasion is one of them.

Sir, as a student of literature we once read Keats. In a particular poem Keats wrote that the poetry of the earth is never dead. Sir, to me it appears that to-day bureaucracy is not yet dead in this province. Sir, your definite decision on the question of the scope of the subject reminds me of the painful limitation under which I have to speak. But you will realise my feelings when I rise to speak on this subject because I come from the unfortunate district of Murshidabad. It seems, Sir, that the blood of the traitors which gave occasion for the installation of this particular structure is still flowing through the veins of the descendants of Mirjafar and Oomichand and the same blood is also preventing us from discussing this question in its true perspective. Sir, what greater condemnation can there be of this responsible Government excepting the fact that in course of just over three months we have had two ordinances promulgated, stifling discussion or expression of public opinion over vital questions. In April last there

was a similar ordinance prohibiting the publication of anything relating to the observance of the National Week inaugurated by Swami Sahajananda and in course of these three months occasion has arisen in which the Government were unable to cope with the popular demand in a constitutional way, but had got to take recourse to unconstitutional means for gagging public opinion in this particular matter. Sir, the question behind this present notification is the question of the propriety of this particular movement against this Holwell Monument. The matter was discussed the other day and the matter has been before the bar of public opinion for a pretty long time. Sir, either the Government is right or the popular opinion which is conducting this movement is right. Who is the ultimate judge? The bar of public opinion certainly, it we really stand by democracy: Sir, the other day we did not hear anything against this movement for the removal, if not, for the destruction of the Holwell Monument. Government, in spite of its best advocacy had nothing to say against this movement and the Government had to admit the *bona fides* of this movement when in so many words the Chief Minister admitted that if the Satyagraha was suspended, the Holwell Monument would be removed. The Leader of the Opposition in very frank and dignified language expressed the attitude that we have in this matter. Sir, the success of the movement is demonstrated, and the movement itself is justified by the fact that the Chief Minister in spite of his arrogant height had to descend at least to that confession. Sir, our attitude is very plain in this matter, but we cannot understand the attitude of the Government. Well, it is said that the Government has got a prestige which is being injured, but may I, Sir, through you, ask, not the Home Minister whom I have never to ask anything, but my friends of the Coalition Party, who are the flesh and marrow of the Ministers: Is it not a fact that whatever is done by a popular Government is done not by things in the dreams of the Ministers but by things which are hammered into their brains by the pressure of public opinion? Sir, the Ministers claim to have done something for the province. The Chief Minister very proudly asserted the other day that the credit side of the Government is very high. Assuming that to be so, is it due to the Ministers themselves that the credit is so high, or is the credit due to the members who are supporting them and who have got to hammer into the brains of the Ministers the popular demand? Is it not a fact, Sir, that even the members of the Coalition Party have got to press through the ministerial brains things which they have got as mandates from their electorates? Sir, it is well known in democratic countries that what is Left to-day is Right to-morrow, and what is Opposition to-day is Treasury Bench to-morrow. If really this Government has been able to achieve anything consistently with responsible public opinion, the credit must be given to the movement behind the public opinion. Sir, even Indian slavery was protected by Law and Order, by Law of British

origin and by British brand of Indian denomination. Sir, even this protected slavery has had to give way to the dawning independence of our country. It is only a question of days. It is no argument to say that people started movements and agitations against the recognised and acknowledged laws of the country. Sir, after all things cannot be made to change merely by appeals to the courts and judiciaries or merely by representations to the executive. The face of the earth, if it is changed, is changed by ideas which are revolutionary ideas, which have got to be propagated by means of agitation, constitutional and unconstitutional, ideas which have got to be forced into the unwilling hands of authorities with the backing of public opinion behind them. So, Sir, the question is very simple. The public of Bengal demand, and they are assisted by public opinion outside this province, that here is a shameless instance of a shameful lie which must be demolished. The bar of public opinion is behind it. The issue is very simple. If the Government think that the bar of public opinion is really in favour of this movement, then it is the duty of the responsible Ministers to accept this opinion, and it is sheer cowardice, ante-diluvion cowardice, which is the inheritance of bureaucracy, to say in the year 1940 that prestige stands in the way. After all what is the prestige of the Government? The prestige of the Government is a prestige derived from the force of public opinion behind this Government. Sir, if the Ministers have not got the brains to understand, this brain ought to be given by my friends of the Coalition Party. If to-day they accept this popular opinion their prestige will be enhanced, and it is silly to suppose that their prestige will suffer. It would enhance the prestige of the Government, and it would also enhance the prestige of the people who are supporting the Government. Sir, I do not know if my friends on the opposite side have realized the full implications of this extraordinary notification of Government. Well, I do not know if it applies even to the courts, because if arrests in connection with the Holwell Monument are reported in connection with the proceedings of the courts, I do not know what will be the fate of these publications. The judges will have to deal with these arrested persons and probably they will have to pass judgments which may go out into the print. I do not know whether the judges will come under the clutches of this law. Sir, we, the accredited representatives of the people, are discussing things on the floor of this House. I do not know, Sir, what will be the fate of this debate. After all we desire the deliberations of this meeting on this very important subject to go out into the province, and I hope you, Sir, as Speaker, as the custodian of the rights and privileges of the representatives of the people, will find your way to see that at least the rights and privileges of the members and the reporters of this House are amply protected. Sir, it is a very unfortunate thing that has been done, because, you know, Sir, Calcutta is a place in which many poeple from outside also live.

A man from the remote corner of a Bengal village may happen to be in Calcutta and he may also in his wisdom take part in this movement. Well, to-day, he may be arrested, but his kith and kin who in the ordinary course of things would be aware of his arrest only in the course of three days, will be kept in the dark entirely. Sir, is this to happen in these days in which people are living under civilized conditions that a man will be arrested in connection with a movement, but his whereabouts or the very fact of his arrest will not be known to his friends or relations during the whole time that he is kept in custody. Is it a desirable state of things? There is also another important aspect to which I want to make a reference before I sit down. My friends in the Coalition Party know very well, know as much as we know, that we are living in very unusual times, and that it is a time in which all political brains are trying to pull together in order to evolve a common formula so that we can stand united in this hour of crisis in the full sense of our glory in spite of petty differences. Sir, the other day when Sri Subhas Chandra Bose's arrest was being discussed, what struck me is that Sri Subhas's arrest is not so much a matter of empirical questions but a matter of deeper fundamentals. The persons who are holding the reins of Government consist of different persons and groups of persons who desire the coveted Hindu-Muslim unity so that we can stand all together and make common achievements, but there are also others inside the Government who want to stand in the way, because they have risen and have flourished under existing conditions and they want to survive this attempt at Hindu-Muslim unity so that they may continue to rule upon these divisions. To-day, Sir, this notification is also a blow against Hindu-Muslim unity, because you know, Sir, everybody in this House knows, that this question of the Holwell Monument is no longer a mere Hindu question, is no longer a mere political question from the Congress point of view, but is a question which has agitated the minds of Muslims also. I come from the field of Plassey and I know, Sir, my Mussalman friends who live in the neighbourhood of Plassey are pulsating with a new desire, with a new orientation so far as this question is concerned. My suspicion is that if the arrest of Muhammadan students is reported, that will create a new revolution which is not desired by the Government. I therefore appeal to my friends who really desire Hindu-Muslim unity to scrutinize this question from that standpoint, and I hope they in their wisdom will try to ward off this blow aimed against the attempt at Hindu-Muslim unity. There may be persons and factors inside Government who are interested in keeping up division, but let us, the rank and file of all parties, stand together and find out a new formula and resist all attempts on the part of Government which will prevent the achievement of Hindu-Muslim unity which is so much necessary to-day, because the new indepedence is knocking at our doors and it is only by standing shoulder to shoulder that we can

achieve that much coveted independence. Let us atone for what we have done in the field of Plassey in 1757. Let us forget the Mirjafars and Oomichands. Let us remember and respect Siraj-ud-dowla and Mirmadan and show ourselves not unworthy of our past traditions, irrespective of petty considerations of small prestige on the part of persons in power.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, till this morning I could not decide—I must very frankly state this fact before this House—as to what attitude we as a party or we as members of this House should take with regard to this agitation. This morning, Sir, I found the Gazette publication. It reminded me of many things. I have taken part in many so-called unlawful movements; I have offered myself for arrest several times before now. But the Gazette publication this morning reminded me of worse days even than those bureaucratic days under which we suffered. We thought that Provincial Autonomy has come and with it have come Ministers who at least understand or have some knowledge of the feelings of the people of this province. Sir, you have ruled that we should not discuss about this Holwell Monument agitation. Whether we discuss inside this House about the Holwell Monument agitation or not, the thing has been discussed not only on the floor of this House but the thing is being discussed in the minds of millions of the people of this country. The more you try to stifle this agitation by this sort of Gazette publication, the more intense is the agitation. It reminds me of the agitation of 1930 when we took part in the Salt campaign. There was some sort of a communiqué which prohibited publication of views in the papers of those days. All papers suspended publication. What happened? Thousands of millions of political posters used to be issued day and night and used to be circulated. Posters of rumours were afloat not only in this city but throughout the country. I do not understand how a popular Ministry of which the Hon'ble Sir Nazimuddin, the Home Minister, is an illustrious member—I do not understand how he can take it into his head that by publication of this sort of news there will be agitation in the country and that by stopping this agitation he will be successfully stifling this movement. I would remind him that those days are gone. I am putting this to my friends of the Coalition Party: they have come here as representatives of the people and so they cannot say at the present moment that this was a Hindu agitation or that this was an agitation which Mr. Subhas Chandra Bose began. Sir, I was reminded this morning that the Leader of the Muslim League, Mr. Jinnah, presided over a Conference here at the Halliday Park where a resolution was passed for the removal or destruction of the Holwell Monument, that shameful thing, that is still adorning the city of Calcutta. I do not know whether Sir Nazimuddin was present at that meeting. I do not know whether the Hon'ble the Chief

Minister was present, but it is a fact that the resolution was passed in that meeting and the people were given to understand that this shameful thing would be removed. Sir, the other day we heard with great relish the speech of the Hon'ble the Chief Minister. I could very well understand even the attitude of the European Party. They say that they have nothing to say against the removal of that infamous monument which is still adorning Calcutta. They say that they might have objection to the destruction of the thing. I am not going to discuss about the removal or the destruction of the thing at all, but I say that this is a thing which, I think it was Sir Nazimuddin's duty to avoid, in view of the promises given to the Muslim students who are trying to take part in the agitation to-day. They were given promises one thousand times. The other day my friend Mr. Abul Hashim informed us that the Coalition Party members were past redemption. Well and good. But why show impotent rage? Why not carry out your promise as the Ministry in Madras did? They carried out a thing which was of great honour to their province—I mean, the removal of Neil Statue, which stood there from the time of the Sepoy Mutiny. This Holwell Monument is a shameful thing, particularly to the Muslims of Bengal, and I say this as a Mussalman that it is a shame to the Ministry. I would remind Sir Nazimuddin—I am not in the habit of throwing out challenges—up till this morning I had no idea as to what to do? As only the other day the Hon'ble the Chief Minister made his promises, I hope, Sir, that he will try his very best to carry this into practice. It does not matter whether this agitation is carried on or not. But if you do carry out what you promised 3 or 4 years ago, you can issue a communiqué to that effect. You can say that you have done this in deference to the wishes of members of the Coalition Party and in deference to the wishes of the Muslim League. I hear that deference has been shown by some of our Ministers to the resolutions of the Muslim League. The other day Sir Nazimuddin said that if the Muslim League said this, they would accept this thing and if the Muslim League did not say this they would not accept that thing, and that they would abide by the decision of the Muslim League. But we have recently seen how the resolutions of the Muslim League are honoured by them——

Mr. SPEAKER: You are going beyond the limit.

Mr. M. SHAMSUDDIN AHMED: I am incidentally referring to this thing. (A voice: Or accidentally?) Now news was published that from the 16th Muslim boys would take part in the movement. I am told, Sir, that Muslim boys did offer themselves for arrest, but they were beaten and not arrested. Only Hindu boys are arrested, but Muslim boys are not; and that is the reason why all publications about

this matter have been banned, so that if this thing goes out in print in the daily papers and circulated throughout Bengal, Muslims will think that this shameful thing is still standing in the city of Calcutta, and they will try to remove the thing and they will know that this popular Government is not trying to accede to the wishes of the people of the province. Sir Nazimuddin told us to go about beating our drums. He may beat his own drums, but I must tell him: "Please, this sort of notification will not do." We are told that at the present moment we are fighting a Government, a foreign aggression, that is stifling democracy. From the time of invasion of Poland in September, 1939, we have been told in this House that we stand up for democracy. But may I ask, Sir: is it the beginning of democracy? We have heard of the Defence of India Rules; already meetings have been prohibited. Even the Punjab Government have not prohibited meetings, but this Government has. The result is that if people want to have a procession, they are not given permission. I very humbly state before this House and to the Hon'ble the Home Minister whom I am particularly addressing because he is the only remnant of the bureaucratic days who is adorning that place——

Mr. JOGESH CHANDRA GUPTA: What about Sir Bijoy? (Laughter.)

Mr. M. SHAMSUDDIN AHMED: Sir Bijoy is out of the question. He merely says ditto to others. (Laughter from the Opposition Benches.) But Sir Nazimuddin, the Home Minister, is for the defence of this country, and I expected that he would join the Indian Coastal Defence Battery. But I have not up till now found his name in the list of those who have joined the Battery. To-day he issues a notice prohibiting not only the publication of news of arrest, but even the publication of news of meetings has been absolutely stopped.

Sir, I do not want to take much time of the House. I am only stating that it will be honourable for us, it will be honourable for this House, it will be honourable for the members of the Coalition party and it will be a credit to the people of Bengal if the Ministry of their own accord do the greatest justice to the people of Bengal by removing that lasting shame without any further agitation. I may tell the House that by beating the Muslim students and taking into custody the Hindu students, this question will not be solved—that will simply rouse the agitation to its fullest length. The Ministry might have the greatest hatred for Mr. Subhas Chandra Bose, but the steps they have taken against him will not solve the matter. The way in which the popular Government should tackle any difficult question must be knocked into the brain of our Hon'ble Home Minister. If he does not understand it now, he will understand it very soon. But

I am not going to offer myself for arrest, if I fi... ..... the Ministry have mended their ways, and in that case, the people of this province will thank them and their names will be remembered as men who have done honour to Bengal by removing this lasting shame.

With these few words, Sir, I am supporting the adjournment motion.

(Maulana Md. Maniruzzaman Islamabadi rose to speak.)

Mr. SPEAKER: I was given a list of other names.

Mr. JOGESH CHANDRA GUPTA: The name of Maulana Md. Maniruzzaman Islamabadi has also been given in the list, Sir.

Maulana MANIRUZZAMAN ISLAMABADI : মাননীয় স্পীকার মহোদয়, আমরা জানি, ইতিহাস সাক্ষ্য দেয়, ১৭৫৭ খৃষ্টাব্দে বাংলার মুসলমান রাজত্বের অবসান ঘটিয়াছে। কিন্তু ১৯৩৭ সন হইতে আমরা স্যার নাজিমুদ্দিনের "সান্ধ্যতারা" কাগজে এবং আমার বন্ধু ত্রিশ হাজারী মৌলবী সাহেবের "আজাদ" পত্রিকায় এবং কোয়ালিশন দলের অন্যান্য পত্রিকায় এই সংবাদ ঘোষিত হইয়া আসিতেছে যে ১৭৫৭ খৃষ্টাব্দের পর আবার বাংলায় মুসলমান রাজত্ব স্থাপিত হইয়াছে। আমরা আশা করিয়াছিলাম—পুনরায় মুসলমান রাজত্ব হইয়াছে—এটা সত্য হৌক, আর মিথ্যাই হৌক, ন্যূনকল্পে মুসলমান প্রধান মন্ত্রী এবং "হোম্ মিনিষ্টার" মুসলমান হওয়ার ফলে আর কিছু হৌক আর না হৌক, নবাব সিরাজদ্দৌলার শূন্য সিংহাসনে যাঁহারা সমাসীন বলিয়া গৌরবান্বিত বা গৌরব অনুভব করেন তাঁহাদের দ্বারা নবাব সিরাজদ্দৌলার কলঙ্কটা তাঁহাদের আমলে, তাঁহাদের যুগে বিমোচিত হইয়া যাইবে।

গত চারি বৎসর হইতে এ সম্বন্ধে যথেষ্ট আলোচনা হইয়াছে এবং মন্ত্রী মহোদয়দের পক্ষ হইতে যথেষ্ট আশ্বাসবাণী আমরা পাইয়াছি। কিন্তু পরিণামে যাহা ঘটিতেছে তাহা রাউলাট Actকে পাছ করিয়াছে। সত্যাগ্রহ করিয়া সিরাজের কলঙ্ক মোচনের জন্য যেসকল মুছলমান যুবক ঘটনাস্থলে যাইতেছে তাহাদিগকে arrest না করিয়া মার দিয়া বিতাড়িত করা হইতেছে, অনেককে লাঠির আঘাতে জর্জরিত করিয়া ছাড়িয়া দেওয়া হইতেছে। মুসলমান রাজত্বের ইহাই কি গৌরবের নিদর্শন? যাঁহাদিগকে লাঠিপেটা করা হইতেছে তাঁহারাই কিছুদিন পূর্বে মুসলমান মিনিষ্টারদের গদি রক্ষার জন্য বাংলায় আন্দোলন চালাইয়াছিলেন। তাঁহাদের সমর্থন করিয়াছিলেন। ঐ যুবকদল মন্ত্রীদের কৃতকার্য্যতার পথে বিশেষরূপে সাহায্য করিয়াছে। অথচ আজ তাহাদিগকেই লাঠিপেটা করা হইতেছে, তাহাদের শরীর ক্ষত বিক্ষত করা হইয়াছে, তাহাদের রক্তে ক্লাইভ ষ্ট্রীট্ রঞ্জিত হইয়াছে। এদিকে কিছুতেই মিনিষ্টারদের দৃষ্টি আকৃষ্ট হইতেছে না। আমি মনে করিয়াছিলাম, তাদের ফটো লইয়া প্রকাশ করা হইবে, কিন্তু আশ্চর্য্যের বিষয় আজ প্রাতেই সত্যাগ্রহসংশ্লিষ্ট সর্ব্বপ্রকার ফটো প্রকাশ নিষিদ্ধ করা হইয়াছে। মার খাইবে, কিন্তু কাঁদিতে পারিবে না, এমন জুলুমবাজি, এমন অত্যাচার, কোন ব্যুরোক্রাট বা কোন স্বেচ্ছাচারী গভর্ণমেণ্টের যুগেও হইয়াছে কিনা জানি না, আমরা মার খাইব—কিন্তু কাঁদিতে পারিবো না। কি অদ্ভুত ব্যবস্থা! (Hon'ble Mr. A. K. FAZLUL

Huq: কাঁদিতে মানা নাই।) এমন নিষ্ঠুর আদেশ জগতের আর কোন স্থানে বর্ত্তমান যুগে হইয়াছে কিনা তাহা জানি না। আমার কথা হইতেছে এই সকল অত্যাচার অনাচারের জনসাধারণের দাবি দমন করা চলিবে না। লোকের প্রাণের উপর, মনের উপর আইনের প্রভাব বিস্তার হইতে পারে না। মুখে মুখেই সমস্ত সংবাদ দেশময়, কেবল বাংলাময় নয় বরং ভারতময় প্রকাশিত হইবে। এই রকম অত্যাচারমূলক ঘোষণা-পত্রদ্বারা কোন আন্দোলনকে দমন করা যায় না। যখন প্রাণে আগুণ জ্বলিয়া উঠে, তখন তাহা সহজে নির্ব্বাপিত হয় না। মুসলমান ছাত্রবৃন্দ বুকে বল বাঁধিয়া যে সত্যা-গ্রহের জন্য অগ্রসর হইয়াছে এই নোটিশদ্বারা সেটা বন্ধ করা যাইবে না। এই যুবকেরা সমাজের ও দেশের জন্য বিশেষতঃ মন্ত্রীদের স্বার্থের জন্য কত কি না করিয়াছে। এই Houseএ যখন no confidence motion আসিয়াছিল তখন হাজার হাজার মুসলমান ছাত্র সমস্ত কলিকাতা সহরটাকে তোলপাড় করিয়া তুলিয়াছিল, আজ তাহাদের লাঠিপেটা করা হইতেছে। (Laughter amongst some of the members of the Coalition Party. Mr. SAMSUDDIN AHMED: হাস্‌বার কথা নয়। Go and see with your own eyes.) এইভাবে রাউলাট্ Act প্রভৃতি বহু আইন এদেশে প্রচলিত হইয়াছিল কিন্তু তাহার ফল কি হইয়াছে? এখানে কি বোমা পিস্তল চলিয়াছে, কি কোন বেআইনী violence কিছু হইয়াছে? আজ সমস্ত ভারতবর্ষ শান্ত, বাংলাদেশ শান্ত। কোন জায়গা হইতেই কোন একটা অশান্তির বা violenceএর কোন লক্ষণ প্রকাশ পায় নাই। এ অবস্থায় নিষ্পেষণমূলক ঘোষণাপত্র প্রচার হওয়া বেদনাদায়ক কিনা এবং মিনিষ্টারদের পক্ষে কলঙ্কসূচক কিনা এ বিষয় মিনিষ্টার মহোদয়রাই চিন্তা করুন এবং এর পরিণাম কি দাঁড়াইবে সেটাও চিন্তা করুন। এই বলিয়া আমি এ মোসন্ সমর্থন করিতেছি।

Mr. SYED NAUSHER ALI: Mr. Speaker, Sir, I should like to record my most emphatic protest against the action of the Government in banning publication of all news relating to the movement for the removal of the Holwell Monument. This step is purported to have been taken in exercise of the powers given to Government by the Defence of India Rules. I have great doubt, Sir, if the application of the rules in a case like this is appropriate. The removal of the Holwell Monument, Sir, is, I think, long overdue. It is a standing disgrace to the whole of India. The fabricated fact which this monument is intended to commemorate has already been proved by the recent historical researches to be a myth.

Mr. SPEAKER: I am sorry to interrupt you. This debate, as I have said, is only concerned with the notification and not with the monument.

Mr. SYED NAUSHER ALI: I will confine myself to the notification, but I feel that it is impossible to speak on this subject without mentioning anything about the monument.

Mr. SPEAKER: The merit of the Holwell Monument was discussed the other day; therefore it cannot be discussed to-day. You can say everything else about the notification which is the subject-matter of the discussion.

Mr. SYED NAUSHER ALI: Now the main object of this notification is to stifle this movement or to see that the publication of news does not make the present Ministry unpopular at least to those with whom it is still popular. The erection of this monument was possible because of a Mirjafar and the continuance of this monument also, I am afraid, is being made possible because of a few Mirjafars now in power. It is a matter of serious consideration whether or not the whole House, or even the whole of Bengal, or as a matter of that the whole of India will be characterised Mirjafar by posterity. If we have got the power, we ought to demolish the monument without wasting a moment's time. I know there were objections from some members on my left the other day with regard to the expression "demolition." They said that they had no objection to the removal, but that there would be nothing but absolute antagonism to "demolition." I would ask the honourable members to remember what is happening in England to-day. In Britain dearer monuments are not being removed, but are being demolished and will be demolished by the Nazis. They should not expect any longer that India will remain silent. Soon the Europeans will have to make room for us. They will not be here any longer. My friends are smiling. It is shameful and disgraceful to us all that I see smiles on the faces of some of our Muslim friends opposite when I say that the Europeans will not be in this House. Let them smile. We are hearing of Dominion Status. Shortly, it is said, we are getting Dominion Status. Even if we do not get full independence, if we get Dominion Status only, many of our European friends here will not be in this House. In that case also they will be, I hope, completely ousted from this House.

Mr. SPEAKER: Not as a result of this Gazette notification! Please try to be relevant.

Mr. SYED NAUSHER ALI: Yes; I think. That amount of sense of relevancy I can claim to possess. But because there were these smiles and laughters, therefore I was bound to refer to that.

Now, Sir, coming to the point again it has been said that it is the prestige of the Government that stands in the way of the removal of this monument. No Government, it may be argued, can yield to an agitation like this. It would have been wiser if the Government took steps long ago. I need not recapitulate facts which have been stated in detail by my friends in this House to-day and also on a previous

occasion when an adjournment motion was moved and discussed. It is clear to everybody that probably it would have been better if this unpleasantness had not been created, but when it has already been created, when the agitation has been started and when the public opinion in Bengal is, I think, absolutely unanimous on this point, is it not a privilege of a popular Government or a Ministry to yield to public opinion and to prove that they are representatives of the people? Where does the question of this prestige come in? It is a privilege I should say. It is not a question of prestige at all. I believe it is a question of privilege of a Ministry or a representative Government to respond to public opinion. It is a fact and it was admitted by the Hon'ble the Chief Minister also the other day that there was unanimity of opinion on this point and, if that is so, I think it would have been better, it would have been more dignified on the part of the Ministry if they made a definite statement that they were going to remove the monument. No question of prestige arises when it has been demonstrated without a shadow of doubt that the people of Bengal want to remove it. Let the Ministry say that they are going to remove it, or if they can't do so, let them make room for others in the Cabinet. In a case like the present, where the public demand is unanimous, the Ministry in any other country, if unable to fulfil the demand, would not wait for a vote of no-confidence. But the case is otherwise here; my friends knowing fully well that the majority of members will support them, rely on it. Besides the Europeans have got no objection to the removal of the monument, though they have got objection to its demolition. It would have been dignified for the Ministry if they took immediate steps to see that the monument is removed. The question of prestige does not arise. I hope the Ministry will have sense of dignity and decorum to respond to public opinion without any further delay and remove this ban on publication of news relating to this movement.

With these words, I wholeheartedly support the adjournment motion.

(At this stage the House was adjourned for 15 minutes.)

(After Adjournment.)

Mr. ATUL KRISHNA GHOSE: In support of the adjournment motion moved by my esteemed friend, Mr. Syed Jalaluddin Hashemy, I would like to draw your attention and I think it will not be out of place to mention that this notification enunciated as it is on the 18th of July just after an adjournment motion moved in this House in connection with the arrest of Sri Subhas in connection with the Holwell Monument goes a long way to prove that this notification has been applied not so much for the security of India as for the security of the Ministers themselves because of their misdeeds. Mr. Speaker, Sir, it

will not be out of place if I draw your attention to the fact that the Defence of India Rules were in the spirit of sub-section (i) of section 102 of the Government of India Act, 1935, which may I remind this House through you, runs like this:—

> "Notwithstanding anything in the preceding sections of this Chapter the Federal Legislature shall, if the Governor-General has in his discretion declared by proclamation (in the Act referred to as a proclamation of emergency) that a grave emergency exists whereby the security of India is threatened."

I would not go any further, but may I ask through you, Sir, whether the issue of the removal of the Holwell Monument has in any way endangered the security of India or the security of Bengal or the security of the people of Bengal? It seems to me that the series of misdeeds, the series of omissions and commissions of the Huq Ministry have created a situation which is going to bring them discredit before the whole of Bengal, and now in order to get rid of that situation they have all on a sudden on a fine morning brought out this notification gagging the mouths of the press and all papers in Bengal. Is this the indication of a popular Government? Is this the indication of Democracy? I would like to draw the attention of the House to the fact that by gagging the newspapers, that by beating the students of Calcutta the present Government has created a situation which will go a long way to create a subversive movement, and I hold and very honestly hold that if this subversive movement comes into being the Huq Ministry alone will be responsible for it. Mr. Speaker, Sir, it is the united demand of the Hindus and Muslims and Christians alike that the Holwell Monument should be removed but our Chief Minister—without meaning anything personal to him—is playing a double game. I deliberately call it a double game in this sense that he definitely stated that the Holwell Monument is based on lies and it has got no historic foundation at all. He further stated that it should be removed, but that it is a question of prestige that stopped them from doing so. Sir, I would like to ask through you whether the prestige of Bengal, whether the prestige of India and whether the prestige of the people of Bengal are more concerned or the prestige of Mr. Fazlul Huq and his group is more concerned to the country to-day? I have heard another interpretation, viz., that if the Holwell Monument is removed to-day, then the credit will go to Sri Subhas and that is why they will take some time and conveniently see their way to remove it. There was plenty of time, Sir, when this Holwell Monument might have been removed without creating any difficulty whatsoever. That it was not removed hitherto indicates want of a sense of self-respect in the Ministers. Sir, may I draw a comparison between the Ministry of Madras and the Ministry of Bengal? The statue of Neil which, was

offensive to the people of Madras, drew the attention of the Congress Ministers. They removed it without any agitation, without any commotion whatsoever. So many years have passed. Maulvi Fazlul Huq could attain all the achievements of removing the Holwell Monument, but at that time he did not care to do it. But when Mr. Subhas Chandra Bose came forward with an organized plan to remove it, he says the credit will go to Sri Subhas and therefore we should not remove it just at the present moment. Sir, the application of the Defence of India Rules as I have already said, is not a proper application in the case of the poor Holwell Monument, which is only concerned with the province, and which has got nothing to do with the security of India as a whole. The Holwell Monument has got nothing to do with the work particularly with which the Defence of India Rules were meant to deal. Sir Nazimuddin has got his *lathis* and sepoys to teach a good lesson to the students and youths and all concerned, who oppose his viewpoint, and it is inspired with that doctrine of *lathi* charges that he is beating the students, Hindus and Muhammadans. Will this solve the problem? I would like to draw the attention of the Cabinet that it is not too late to take some measures whereby they can appease the people of Bengal. It will not be out of place, Sir, to mention that by taking this sort of step by the Government, steps more suited to the hooligans than for a responsible Government, they are driving the movement underground, and if any subversive movement comes and if violence predominates, I think this Cabinet will be responsible for that.

With these words, Sir, I support the adjournment motion moved by my honourable friend, Mr. Syed Jalaluddin Hashemy.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, the issue that this evening's debate has raised is one of fundamental importance not only to this House, not only to the wider public in Bengal outside this House, but to the larger public in the country, and before I place before this House the implications of the order, I think it is necessary for me to remind this House of the exact terms of the order, which has been issued to all printers, publishers and editors in Bengal. The order is in these terms:—

"In the exercise of the powers conferred by sub-rule (*1*) of Rule 41 of the Defence of India Rules, the Governor is pleased to prohibit absolutely the printing or publishing within the province of Bengal:—

(1) any document containing a reference by way of statements, advertisements, notice, news, photographs or comments to any of the following topics:—

(*a*) the arrests made in connection with the Holwell Monument agitation, and

(b) any procession, meeting, assembly, or demonstration held, speech delivered or thing done or omitted to be done in connection with the said agitation; and

(2) any document containing a reference by way of comments to this order."

When I read the terms of the order in the Official Gazette this morning, I was reminded of an observation made by Sir Lawrence Jenkins, one of the most eminent, if not the most eminent, Chief Justice of Bengal. In dealing with the *Comrade* case and the terms of the Government order there, he said that the terms of the order were such that even the Holy Bible seemed to be banned. Sir, we do not know yet, we are waiting to know from the Hon'ble the Home Minister, his reasons or justification for this order. But I think we may be permitted to make our surmise as to those reasons. May I ask, —has this order been promulgated because it is a fact that the agitation for the demolition or the removal of the Holwell Monument has aroused a great deal of public interest, public interest not confined to a section of the people, but public interest which has permeated all sections of the people in Bengal? May I ask again, is it or is it not a fact that the recent participation of members of the Muslim community in this agitation has led to the promulgation of this order? Sir, we know for a fact that only yesterday five Muslim students were assaulted near the Holwell Monument. We know for a fact that their names are—

(1) Muhammad Arif of Ramzania Madrassa,

(2) I. Ahamed of Ramzania Madrassa,

(3) Fazlul Huq—I do not mean the Hon'ble Mr. A. K. Fazlul Huq, but Fazlul Huq of the City College,

(4) Shamsuddin Ahamed—not the Leader of the Krishak-Proja Party, but of the Ripon College, and

(5) one Ali Ahamed, who I do not know whether he belongs to any school or college.

These young men went near the Holwell Monument with Muslim League Flags flying and raised shouts of "Allah-o-Akbar." These facts apparently proved most disconcerting to the Hon'ble the Minister in charge of Law and Order, and he thought it necessary in the name of the Governor to promulgate an order, the effect of which is to suppress all news of whatever sort or kind regarding the progress of this agitation.

The Hon'ble Khwaja Sir NAZIMUDDIN: At what time did these students go there?

Mr. SARAT CHANDRA BOSE: I don't think that it is necessary for me to enlighten the Hon'ble the Home Minister as to the time or the place, because I expect his myrmidons are doing justice to their *duties*.

May I remind this House of a recent debate in the House of Commons when an attempt was made to suppress war news in England on the plea that it might help the Nazi propaganda? That request was turned down, almost unceremoniously turned down, because England is still the home of democracy and liberty, even in these degenerate days. May I also remind the House of things nearer home? During the Civil Disobedience movement, and we have had more than one Civil Disobedience movement in the past, no attempt was made to suppress news to the extent it has been made by the order which was apparently passed last night and promulgated this morning. Now, Sir, on these facts, am I not entitled to make the comment that the Hon'ble the Home Minister has out-Willingdoned Willingdon and has out-Andersoned Anderson? What will the result be of the promulgation of this order? The result will be that newsmongers or news pedlars will go about the city, not confine themselves to the city only but will go about the whole province, with what may be described as the "pedlars' pack of garbled evidence and surreptitious affidavits" and spread panic throughout the province. That will be the direct result of an order of this nature. In this connection I would also ask the Hon'ble the Home Minister, if all mention, all discussion, of the agitation against the Holwell Monument was to be banned, why was not the speech of Mr. Jinnah banned—the speech at the Muslim Students' Conference which demanded the removal of the Holwell Monument? Why was not the publication of the resolution of the Muslim Students' Conference banned? Why was not the speech of the Hon'ble the Prime Minister—I forget the place where it was delivered, but if I remember aright it was at Berhampore—banned?

Sir, it seems as if the Hon'ble the Home Minister believes that the war is at our very door. The war, as we all know, is at the door of England, but still war news is not banned. News of the movements of the German armed forces, German tanks and German aeroplanes, are not banned. Does the Hon'ble the Home Minister ask us to believe that the war is at our door and therefore all news about this agitation for the removal of the Holwell Monument is to be banned? I would describe this attempt of the Hon'ble the Home Minister as the British Indian edition of Western Nazism. Or shall I describe it as our indigenous Nazism fathered by the Hon'ble Khwaja Sir Nazimuddin?

Sir, I heard the other day in connection with a debate we had in connection with the Holwell Monument—I heard my honourable friend Mr. Miles to say that they of the European Group stood up for law

and order. May I remind Mr. Miles what English history ought to have taught him by now, that King Charles in the course of his trial stood up for law and order; the ex-Kaiser stood up for law and order; the ex-Tsar of Russia also stood up for law and order? But the appeals to law and order made by King Charles fell flat on the people of England; the appeals of the ex-Kaiser to law and order fell flat on the German people; the appeals of the ex-Tsar of all the Russias to law and order fell flat on the Russian people.

It is useless, Sir, to indulge in this claptrap in the name of law and order. Most lawless things are being done; most dishonest things are being done in the name of law and order; and that is why I stand up here to-day and protest in the name of the very law and order which has been invoked by Mr. Miles. What does social order stand for? What does political order demand? Social order, political order, religious order—all demand promulgation and circulation of news, so that society may exist, so that political bodies may live, so that religious bodies may thrive. So, that is what law and order demands—not the law and order which Mr. Miles sought to invoke the other day in support of Government. The law and order which we appeal to is higher, older, nobler far than the law and order invoked by Mr. Miles the other day. It demands freedom of speech, it demands freedom of thought, it demands freedom of association—that is the law and order on which we take our stand.

I would say that Government in promulgating orders of this nature have been mounting from one monumental folly to an even greater and higher monumental folly. On the occasion of the first arrest made in connection with the removal of the Holwell Monument, I described it as an act of monumental folly. The present order of Government I shall describe in these words: "It is mounting from one monumental folly to an even greater and higher monumental folly."

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, may we emulate the Prime Minister when he gets up to speak in reply?

Mr. SPEAKER: I think it is only fair that the Leader of the House should be at his place when the Leader of the Opposition is speaking. (Cheers from the Opposition benches.)

Mr. SANTOSH KUMAR BASU: Sir, it is giving a go-by to parliamentary conventions.

Mr. SARAT CHANDRA BOSE: I would go further and say that the Government are tumbling from one political absurdity to a deeper political absurdity. During the last three years I have had occasions

to criticise and even to criticise bitterly, the acts and conduct of Government on many vital questions. I could not conceive, however, that such an order was possible during the premiership of my honourable friend, Mr. Fazlul Huq. I could not conceive that without turning his back on his political past he could have issued or could have lent his support to an order of this nature. May I ask him in all respect: Have his sympathies for the political advancement of the country grown cold? Has he definitely turned his back upon his political past? Does he fail to realise to-day that an order of this kind will have repercussions, most unhealthy repercussions, on society and on the political order to-day?

Sir, in this connection and before I sit down, I desire to ask members of the House in all respect and in all seriousness to be forewarned. I would ask them to be alert and vigilant if they really profess to be champions of liberty and democracy. I would remind them that the fate of the struggle for Indian freedom and Indian democracy will be decided, not on the rocky desert of Aden, not on the heights of Gallipoli, not on the fields of Flanders, not even on the Estuary of the Thames, but here on this soil, on this very soil which gave birth to our forefathers, on this very soil which gave birth to us and which will be the soil of our children and children's children. I remind this House that we have come to a situation when we have to strike. We have to strike no matter who our opponents are and what their political creed is, because we are dealing with the essentials, with the foundations of society, with the foundations of political order. Be forewarned—I ask members of the House. I ask them: Be vigilant and alert, for "eternal vigilance is the price of liberty." (Loud cheers from the Opposition benches.)

Mr. SANTOSH KUMAR BASU: Sir, before the Hon'ble the Home Minister rises to reply, may I ask him to declare on the floor of this House that the proceedings of this discussion will be made available to the people of Bengal and to the newspapers to-morrow?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as it was decided on the last occasion that true report of the speeches made by the members would be allowed to be published without comment in the newspapers. (Cries of "Oh! oh! Without comment" from Congress members.)

Sir, it is rather unfortunate that I did not speak on the last occasion when an adjournment motion was moved about the arrest of Mr. Subhas Chandra Bose. I thought, Sir, that after the speech of the Hon'ble Mr. Fazlul Huq it was not advisable to speak any further and to give those who have started this agitation an opportunity to withdraw. Sir, I think it is time that we exposed the genuineness of this agitation for the removal of the Holwell Monument. (Cheers from European members.)

Rai HARENDRA NATH CHAUDHURI: Genuineness or otherwise?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, genuineness of this movement.

Sir, if they were really anxious that the Holwell Monument should have been removed long ago, then the efforts that were made to give Government a chance to come to a decision would have been availed of. I do not know——

(At this stage Mr. M. Shamsuddin Ahmed rose to make an interruption.)

Please do not make unintelligent interruptions. (Laughter.) Sir, before the notice was given by the President of the so-called Congress Committee informing Government that after a certain date, Mr. Subhas Chandra Bose would himself lead a procession to demolish the Holwell Monument, a mutual friend of Mr. Subhas Chandra Bose and mine came and saw me and told me that this had been done. Actually, the letter that was sent to Government was delivered on Saturday morning and Sunday was a holiday and Monday also was a holiday. It was delivered to the office and not personally and, as far as I was concerned, it did not come to my notice. I told the mutual friend that it was impossible for Government to come to a decision on this question immediately as most of the Ministers were away from Calcutta and His Excellency the Governor was leaving that evening for Dacca, and it was not possible for Government to meet and decide the question, and I was prepared to inform Mr. Subhas Chandra Bose to that effect. The mutual friend was, however, informed by Mr. Subhas Chandra Bose—"No, this will not satisfy; Government must declare immediately that within 24 hours they are going to remove the Holwell Monument, otherwise the agitation would start....."

Mr. SARAT CHANDRA BOSE: On a point of order, Mr. Speaker: Is all this relevant to the promulgation of the order? We do not want history.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, it has been represented that the agitation is genuine, that people are concerned over this and that it is a very vital issue. I want to prove that it is not a genuine movement; it is purely a political movement, and I further say that it is a sinister movement and that is why Government are taking steps——

Mr. SURENDRA NATH BISWAS: Sir, may I point out——

Mr. SPEAKER: I am sorry, the Hon'ble Minister has only 15 minutes' time to speak. Therefore, let him finish uninterrupted.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is very necessary that I should be able to place all the facts before the House. (Interruption from the Congress benches.)

Sir, this is another attempt to gag Government from giving the facts.

Mr. SPEAKER: I am afraid, if the House does not allow the Home Minister to finish his speech, the impression of the public would be that they are not prepared to hear the other side of the version.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Any statement that the Hon'ble Home Minister wants to make, he should make in answer to certain questions but having regard to your ruling that questions about the removal of the Holwell Monument cannot be discussed, is he in order?

Mr. SPEAKER: I think, he is not discussing that. So far I have not formed the conclusion, but as far as I can judge it, he is justifying the reason for the issue of the notification which is related to certain previous incidents.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. My point of order is that the Hon'ble Home Minister is introducing statements about certain conversion that has taken place between him and Mr. Subhas Chandra Bose through a mutual friend. Now, while Mr. Subhas Chandra Bose is behind the prison bars and is not in this House in a position to tell his point of view and his version of what has taken place, is the Hon'ble Home Minister justified in introducing a private talk that has taken place regarding the agitation? Would he be in order, particularly in view of the fact that you have already ruled that the agitation about the Holwell Monument—its genesis, what had taken place or not and all that—would not be relevant and only the question of the notice would be the point at issue?

Mr. SPEAKER: So far as that is concerned, it is not for me to decide the question of propriety or impropriety, but if an honourable member or a Minister refers to certain conversation, I cannot rule it out.

Mr. SIBNATH BANERJEE: On a point of order, Sir. If the Hon'ble Minister is allowed to speak about the facts, it is only fair that you should allow one of us to state the real facts.

Mr. SPEAKER: If necessary.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, after that, the Hon'ble Chief Minister, as has been stated, again made attempts to get into personal touch with Mr. Subhas Chandra Bose and asked him to give time to Government to come to a decision. Now, I ask this House in all seriousness to judge whether it was not possible to allow Government one month's time to come to a decision on the question when the Holwell Monument has been there for so many years and a delay of one month could not possibly by any stretch of imagination have made things impossible or brought about a catastrophe, and particularly when the Legislature was going to meet soon. The honourable member has made reference in his statement to the fact that this matter had been the subject matter of discussion in the Assembly by means of questions and resolutions. So it was only fair to us that time might be given so that when the Legislature met, Government decision might be more properly announced in the Legislature than otherwise. Why was it that no time was given? Why was it that this agitation was started? Why was it that Mr. Subhas Chandra Bose, of all persons, should come forward to offer Satyagraha?

Mr. SPEAKER: I am sorry, you have sufficiently explained the reasons for this agitation. You cannot go into more details. But you should now come to the notification.

Mr. NIHARENDU DUTTA MAZUMDAR: Release Mr. Subhas Chandra Bose and he will give his reasons.

The Hon'ble Khwaja Sir NAZIMUDDIN: Furthermore, Sir, when this order is being discussed,—very few members discussed it; they discussed about all subjects other than the order and relevancy of it—I may state that in Bengal one has to be particularly careful when an unlawful movement is started—I am quoting the words of Mr. Shamsuddin Ahmed who has taken part in many unlawful movements and naturally assumes that it is another one. (Mr. JOGESH CHANDRA GUPTA: So-called!)

Now, Sir, people who come forward deliberately to demolish something must be considered as taking part in an unlawful movement. And what is more—one has got to remember that Mr. Subhas Chandra Bose had been threatening for a long time with a Civil Disobedience movement. Not only he had been threatening this Government (Mr. SARAT CHANDRA BOSE: He is in your brain!) but he had also been challenging the Congress Working Committee with an all-India agitation. Having found practically no support from any other group but his own——

Mr. SASANKA SEKHAR SANYAL: Sir, is he in order?

Mr. SPEAKER: I am seeing what he is coming to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, advantage has been taken of this movement. Mr. Shamsuddin Ahmed said that Muslim students have identified themselves with the movement. This is grossly incorrect. The movement was really started by the Muslim students and every one on this side apprehended that it would be made out that it was an agitation of the Congress and on account of that agitation Government was taking action. That apprehension has come true. Before this movement the Bengal Congress had many conferences and many meetings, but did they ever pass a resolution for the removal of the Holwell Monument?

Mr. SASANKA SEKHAR SANYAL: Yes, they did pass resolutions in the years 1930, 1931 and 1932. I myself moved a resolution in a conference and it was passed unanimously.

The Hon'ble Khwaja Sir NAZIMUDDIN: From the time this Government came into office, when they knew that this is a removable Government, they began this agitation. Before that there was no agitation. This is a political agitation, but the genuine movement came from the Muslim students and the Muslim League Party.

(There was great interruption from the Opposition benches.)

Mr. SPEAKER: Order, order. If these things continue I will have no other alternative but to close the debate.

Mr. SANTOSH KUMAR BASU: Yes, you do it; no harm.

The Hon'ble Khwaja Sir NAZIMUDDIN: You are going on interrupting me because you are not able to listen to truth. (There were interruptions from the other side.) I am sorry you can never listen quietly. (A VOICE: But you cannot abuse anybody.) I am not abusing anybody. I am stating facts. (Again there was interruption.)

Mr. SPEAKER: May I appeal to the Leader of the Opposition to help me now. If there is anything to contradict, by all means let that be done in a proper manner.

Mr. SARAT CHANDRA BOSE: My service is always at your disposal. May I appeal to the Hon'ble the Home Minister not to talk irrelevant.

The Hon'ble Khwaja Sir NAZIMUDDIN: Knowing full well what Government were going to do, knowing full well the resolution that the Muslim students and the Muslim League passed, opportunity was taken

to pass a resolution at Dacca hoping thereby to embroil the Muslim students in this movement, because he could not get the support of any other party. Now that is why Government have passed this order. In Bengal it is essential that Government should not allow a Civil Disobedience movement to develop or to gather strength and to spread beyond Calcutta, because I may remind the House that terrorism has always followed in the wake of a Civil Disobedience movement. It was the same in the case of the Non-co-operation movement, it was the same in the 1930 Civil Disobedience movement. (Question.) But here we have got a large number of people who belong to secret organisations and whose organisations are still there; who are active and it can be shown that it is the Civil Disobedience movement when it gets at its height and when we start trying to crush them (A VOICE: By repression.) I accept the word repression, it is followed by terrorism.

Mr. SARAT CHANDRA BOSE: May I appeal to the Home Minister to state correct facts and not to indulge in wrong history?

Mr. SPEAKER: He is giving an explanation of the reasons and I appeal to you, whether it is a wrong history or a wrong description of facts, to give him an opportunity to have his say.

Mr. K. SHAHABUDDIN: If this sort of treatment goes on, then next time this party will not allow the Leader of the Opposition to go on when he speaks. (Cries of "Yes, do try.")

The Hon'ble Khwaja Sir NAZIMUDDIN: If my history is wrong I may quote from the letter of the leading State prisoner written to the Chief Minister during the time when he was in detention somewhere outside Bengal, and if the honourable Leader of the Opposition wants, I will show him that to-morrow. (A VOICE: Name please.) You want to know the name of the writer; that is not fair. I have offered to show that letter to your leader.

The whole object of this order is that the public should not get excited over this. It is the publication of the photos, it is the publication of the report, it is the publication of the big head lines that create in the mufassal and in other parts where there is no agitation, excitement by merely showing that these people who are offering themselves for satyagraha are heroes and that they are great people and thus get other boys to come forward. If this news is not published, then the chances are that the movement will not spread. It will be confined to Calcutta. I ask the members of this House—Do they want a state of unrest, a state of disorder, a state when the whole of Bengal will be in turmoil or that this agitation should stop? This agitation is not genuine so far as the removal is concerned.

Last of all we have been taunted with the remark that this Government which is supposed to be popular has passed such an order. May I remind the members of the House that the Bombay Government passed a similar order when they passed the House Property Tax Act and the Excise Prohibition Scheme. Reference to that order in any newspaper was forbidden. This was done by the Congress Government which was supposed to be as far as you are concerned a popular Government. What did the Madras Government do with regard to the Satyagraha movement? They used the Criminal Law Amendment Act; there was also beating by the police. Let me tell the members of this House that Government have got to be carried on and no Government can agree or can submit to a threat which is deliberately meant not for getting redress of grievances but to bring about disaffection, disorder and disturbance. The intention was not to remove the Holwell Monument. They deliberately wanted to be arrested so that the Civil Disobedience movement should begin. We do not know where it is going to end. That is the chief reason why this order has been passed. The Forward Bloc which has a secret organisation behind can start an all-Bengal movement which may develop into a very serious situation. It is purely in the interests of the people of Bengal that this order has been passed, so that the movement may not spread, the incentive to take up satyagraha may stop and the movement localised altogether.

There is one other point which I want to make quite clear.

Mr. SPEAKER: I have given you 5 minutes more than the usual time. I cannot give you any more. I think it is the duty of the Speaker to see that the debate is conducted in a proper manner. The power of allowing an adjournment motion is vested absolutely in the Speaker, and I am taking full responsibility for it. If I find that the debate is not fairly conducted, or if there is any deliberate obstruction or an obstruction which in the nature of it makes the debate impossible, I will have no other alternative but to consider whether it is not my duty to stop the debate altogether.

The question that the House do now adjourn was then put and a division taken with the following result:—

AYES—74.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Prombari.
Barman, Babu Shyama Prasad.
Bose, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.

Dutta, Mr. Dhirendra Kumar.
Dutta, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Mazharuzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Pain, Mr. Baradi Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Wallur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—115.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafuddin, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. D.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. G.
Chakravartulu, Mr. A.
Das, Mr. Anukul Chandra.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemaly, Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Muhammad Azmi, Khan Bahadur Maulvi Syed
Muhammad Ishaque, Maulvi.

Muhammad Israil, Maut...
Muhammadi Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Sayed..
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, O.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Manda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 74 and the Noes 115, the motion was lost.

Mr. SPEAKER: It is just 8 o'clock and I do not think it is any use sitting further and taking up a fresh item.

Adjournment.

It being 8 p.m.—

The House was adjourned till 4-45 p.m. on Friday the 19th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 19th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 218 members.

STARRED QUESTIONS

(to which oral answers were given)

Transfer of village Birohim from Sunderganja police-station to Ulipur police-station, Kurigram.

*38. **Maulvi ABU HOSSAIN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that the village Birohim has recently been transferred from Sunderganja police-station, district Rangpur, to police-station Ulipur of Kurigram subdivision;

(*ii*) that the headquarters of—

(1) Ulipur police-station, and

(2) Kurigram subidvision,

are respectively 10 and 20 miles from the village;

(*iii*) that there is no road or any other means of communication to the police-station Ulipur of Kurigram subdivision;

(*iv*) that Sunderganja is only 2 miles from Birohim and the Gaibandha subdivision is nearer to Kurigram;

(*v*) that there are good roads leading to the places;

(*vi*) that more than 300 people submitted a representation to the District Magistrate, Rangpur, and other authorities for the retransfer of the said village to Sunderganja police-station; and

(*vii*) that the transfer of the village has caused inconvenience to the local people?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Mauza Birohim Khanar under J. L. No. 208, renamed during the last Settlement operation as Mauza Birohim and renumbered under J. L. No. 130, was included in Bazra Union (police-station Ulipur) under Notification No. 1982L.S.-G., dated the 30th June, 1926—declaring the local areas of the Union for the purpose of Village Self-Government Act. This was then on the eastern bank of the river Teesta. The river in this place receded and in course of time the entire Mauza Birohim appeared on the west bank of the river by the process of alluvion and diluvion. Since then this *mauza* was being wrongly administered by Tarapur and Belka Unions in police-station Sunderganja. During the last Settlement the Revenue Survey boundary of the two subdivisions has been followed and Mauza Birohim has been included in Kurigram subdivision (Bazra Union, Ulipur police-station). Thus practically there was no transfer of the *mauza*, but the wrong administration was detected.

(*ii*) The Mauza Birohim is about 8 miles from Ulipur and 20 miles from Kurigram.

(*iii*) There are good District Board roads from Birohim to Ulipur and Kurigram—intervened by the river Teesta.

(*iv*) Sunderganja is 3 miles off from the village and the town of Gaibandha is 19 miles.

(*v*) The condition of existing communications to both these stations is also good.

(*vi*) A petition signed by about 90 people was filed before the District Magistrate for the transfer of village to Sunderganja police-station, while another petition signed by as many as 135 men was also filed for the retention of the village in Bazra Union (police-station Ulipur).

(*vii*) As Ulipur is only 8 miles away and accessible by good roads after crossing the Teesta by ferry and as there is a regular motor bus service between Kurigram and Ulipur, the villagers are not likely to be inconvenienced in any way.

(*b*) It has been decided that the *mauza* in question will be administered by Bazra Union in Ulipur police-station, in the Kurigram subdivision as before and it is in accordance with the Settlement operations which have followed the Revenue Survey boundary of the two subdivisions. A *mauza* cannot be divided between two Union Boards of two different subdivisions.

District Magistrate of Dinajpur.

37. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the District Magistrate of Dinajpur does not come to office and Court every day when at headquarters;

(*ii*) that he comes to office and Court in the afternoon;

(*iii*) that he does not sit in the Court room (*Ijlas*); and

(*iv*) that this causes inconveniences to the public in general and the litigant public and the lawyers in particular?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*iii*) No.

(*ii*) I am aware that he comes generally but not invariably in the afternoon.

(*iv*) and (*b*) Do not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state what are the usual hours, if any, at which the District Magistrates are required to come to office?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have been informed that as a rule it is also to the convenience of the Bar if they take up hearing of appeals and other things in the afternoon, and whenever there is work they come in the morning. It depends on the District Magistrates. They have fixed days to come in the morning sometimes and sometimes they work in the afternoon.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, in this case of the Dinajpore district, the arrangement for the District Magistrate coming in the afternoon has been made in consultation with the Bar with a view to providing convenience for the members of the Bar?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know if the Bar has been consulted, but the District Magistrate has received no complaints about it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of issuing a general circular asking the Magistrates to sit in their *ijlas* and not in their private chambers as far as practicable?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that it is at all necessary or advisable. The *ijlas* is the place for the District Magistrate to sit when he has cases to hear, otherwise the private room is the proper place for the Magistrate to interview people.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*iv*) and (*b*), why does the Hon'ble Minister say that the questions do not arise when he himself admits in answer (*a*) (*ii*) "that he comes generally but not invariably in the afternoon"?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am here to reply to questions and not to argue.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the hours referred to in this answer by the words "in the afternoon"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Any time after 12 o'clock.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this District Magistrate does not attend office before 3 p.m. in the afternoon?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the clerks and other subordinate officers in the Magistrate's office have to attend office from 11 o'clock in the morning till 5-30 p.m. as usual in other offices?

The Hon'ble Khwaja Sir NAZIMUDDIN: Naturally.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that as a result of the late coming of the District Magistrate, the clerks and other subordinate officers have got to sit very late in the evening, because the District Magistrate does not leave the premises?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have never known clerks remaining in office, because the Minister is remaining in the office.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he would make an enquiry as to whether the clerks in this district as well as other districts, where Magistrates sit late, have to stay after the usual office hours or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: Until there are complaints about it, I do not think that it is necessary to make an enquiry?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state from whom does he expect to receive complaints—from clerks?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, why not?

Dr. NALINAKSHA SANYAL: Is it possible for them to complain against District Magistrates?

Mr. SPEAKER: There are certain things from which you have to suffer always.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state wherefrom he has received this information—from the District Magistrate himself?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state, if he does not think it necessary to hold an enquiry, that because the District Magistrate comes regularly after 3-30 to office every day, when he comes at all, it is causing inconvenience to the litigant public and the lawyers?

The Hon'ble Khwaja Sir NAZIMUDDIN: My colleague tells me that if the District Magistrate comes fairly regularly to office, how can it cause inconvenience?

Mr. NISHITHA NATH KUNDU: He does not come to office every day. When he comes at all, he comes regularly at 3-30.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that it is very convenient, because everybody knows that he will be coming at that hour.

Dr. NALINAKSHA SANYAL: He says after 3-30.

The Hon'ble Khwaja Sir NAZIMUDDIN: He said at 3-30, and not after 3-30. If you want to coach him in putting questions, that is another matter.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if there is any attendance register for the District Magistrates?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the honourable member knows that there is no such thing.

Mr. NISHITHA NATH KUNDU: It was my mistake in putting that question in that form. I should have said instead of "regularly," invariably he comes to office after 3-30, and that causes inconvenience to the litigant public and lawyers.

The Hon'ble Khwaja Sir NAZIMUDDIN: Even if, for argument's sake, we admit that clerks cannot complain, certainly the legal practitioners always do complain if there is any room for complaint.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state whether Government are prepared to issue a circular to the effect that there should be an attendance register for District Magistrates—to record when they attend and when they depart?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is not the first time that this gentleman has been in charge of a district; he has recently been transferred from another district from where no complaints were received about him.

Mr. NISHITHA NATH KUNDU: In view of the fact that he comes very late in the afternoon when he comes to the office at all, does not Government think it desirable that directions should be issued to him to the effect that he should attend office at 11 a.m. which is the usual office hour?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member ought to realise that the District Magistrate has got a lot of work to do, and it is not possible to fix a time when he should come to the office.

Mr. NISHITHA NATH KUNDU: Are we to take it from the answer just now given by the Hon'ble Minister, that the District Magistrate cannot do all these things in his office?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is nothing to prevent the District Magistrate from doing work in his office.

Titash river in Tippera.

*38. **Mr. MAQBUL HOSAIN:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the river Titash in the district of Tippera has silted up from Akhaura to Ujanishar;

(*ii*) that Akhaura is a big jute centre in the district of Tippera; and

(*iii*) that steamers and boats cannot ply through this route during the greater part of the year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) The question is under investigation.

Mr. DHIRENDRA NATH DUTTA: Will the Hon'ble Minister be pleased to state how long the matter has been under consideration?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It was in last February that I received a deputation consisting of the people of the locality who came and discussed this question, and since then the matter has been referred to our local officers who are investigating into the matter.

Mr. DHIRENDRA NATH DUTTA: Is the Hon'ble Minister aware that in the first session of the Assembly, in July, 1937, this question was put and the answer was: "The matter is under consideration"?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be so. The matter might have been under investigation before also. But the matter is not of easy solution. This being an abandoned loop of the Meghna and the gradation being very little, the problem is not one of easy solution.

Mr. DHIRENDRA NATH DUTTA: Will the Hon'ble Minister please tell us whether the experts have submitted any report and whether it is possible to open the river Titash or to have a new opening?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The officer who has undertaken the investigation has not submitted any report so far.

Mail dacoity at Ahmadpur Railway Station, Birbhum.

*39. **Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that there was a mail robbery case at Ahmadpur Railway Station, Birbhum, in last February, or March, 1940, in which 14 bags had been taken away?

(*b*) If so, will the Hon'ble Minister be pleased to state what had been the result of the investigation?

(*c*) Have the culprits been detected and convicted?

(*d*) If so, when and for what period?

(*e*) If the culprits have not been detected, will the Hon'ble Minister be pleased to state—

(*i*) who is responsible for this; and

(*ii*) what action he proposes to take against the party responsible for investigation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, there was a mail dacoity within the precincts of Ahmadpur Railway Station, where there is no Government Railway police-station or platform post, at 20·45 hours on the 4th March, 1940, and 11 mail bags were taken away.

(*b*) The investigation is still pending.

(*c*) Not yet.

(*d*) Does not arise.

(*e*) As the investigation is still pending, and there is still hope of obtaining a successful result, it is too early to say whether any one is responsible or that action should be taken.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action Government has taken or propose to take to prevent the recurrence of a similar incident?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member means dacoity, it is impossible to take more action than what is usual. The number of policemen is limited, and we cannot keep police everywhere.

Dr. NALINAKSHA SANYAL: With reference to the reply that there is no Government Railway police-station or platform post at that

station, which has already suffered once, will the Hon'ble Minister be pleased to state in view of the position stated in the answer whether Government is considering the desirability of at least posting police there?

Mr. SPEAKER: Dr. Sanyal, have you ever been to Ahmadpur?

Dr. NALINAKSHA SANYAL: It is a junction station, Sir, on the East Indian Railway loop line. There is the Ahmadpur-Katwa line.

Mr. SPEAKER: But have you ever been there? (Laughter.)

Dr. NALINAKSHA SANYAL: No, Sir, (Laughter), but it is an important station.

Khaksar movement in Bengal.

*40. **Rai HARENDRA NATH CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware of the present position of the Khaksar movement in Bengal?

(*b*) If so, what steps, if any, do the Government propose taking for the control of the movement in the Province?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The whole question of the treatment of volunteer organisations is under examination.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state if he is in a position to make a statement about the present position which he says he is aware of?

Mr. SPEAKER: Dr. Sanyal, I think these things are better left unsaid.

Dr. NALINAKSHA SANYAL: But, Sir, this is a matter of considerable public importance, and there are misgivings about it in the minds of the public.

Mr. SPEAKER: Don't you think that it is much better not to say anything about these things?

Dr. NALINAKSHA SANYAL: Probably, Sir, a statement from Government of the real position will be very much better.

Rai HARENDRA NATH CHAUDHURI: I might explain, Sir, as it is my own question. The first part of the question is: whether the Hon'ble Minister is aware of the present position of the Khaksar movement in Bengal, and the answer is "Yes." But I submit, Sir, that the answer is incomplete, because the present position is not stated there. We want to know what is the present position.

Mr. SPEAKER: You may ask whether the Hon'ble Minister is prepared to say that.

Rai HARENDRA NATH CHAUDHURI: What is the present position of the movement?

The Hon'ble Mr. H. S. SUHRAWARDY: You ought to know that.

The Hon'ble Khwaja Sir NAZIMUDDIN: That again is still vague. If the honourable member informs me what he wants to know I can answer, but it is too vague—I mean the expression "present position."

Rai HARENDRA NATH CHAUDHURI: I want to know the numerical strength of the Khaksars, their position and present programme.

The Hon'ble Khwaja Sir NAZIMUDDIN: That ought to have been stated in the question.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state the numerical strength of the Khaksars in Bengal, their present organisation and their present programme? That is the meaning of the word "position." I meant by "position" all these things.

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: Am I not entitled to get any answer to this portion of the question, namely, regarding "position"? It may not have my meaning, but it must have some meaning.

Mr. SPEAKER: You can ask whether it is likely to come in conflict with law and order.

Rai HARENDRA NATH CHAUDHURI: If I do that, I shall at once be pulled up and told that it is a matter of opinion.

Dr. NALINAKSHA SANYAL: Anyway, Sir, may we have a reply from Government as to whether they are aware that the Khaksar movement in Bengal has taken such proportion as is likely to endanger law and order in this province?

The Hon'ble Khwaja Sir NAZIMUDDIN: That point cannot be raised by a supplementary question. I do not think that it arises out of that.

Mr. SPEAKER: I took it in that sense. I do not know whether you are prepared to answer that. You can ask for notice.

Rai HAREDRA NATH CHAUDHURI: But he has not asked for notice, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: What is the question, Sir?

Mr. SPEAKER: The honourable member asks if Government is aware of the present position.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the old thing, Sir. I have not understood the meaning of the question. They have still got time. Let them put in a fresh question.

Mr. SPEAKER: I admit that question. Mr. Chaudhuri, you will please give specific instances.

Rai HARENDRA NATH CHAUDHURI: When, Sir?

Mr. SPEAKER: To-day, and I shall send it on to the proper quarter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there is one I. C. S. officer in the Government of Bengal who is a member of the Khaksar movement?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Do you disallow this question, Sir? I have not named anybody.

Mr. SPEAKER: It does not arise out of the original question.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister says that he knows the position. I submit, Sir, that this is a very important question.

Mr. SPEAKER: I know it, but the question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there is any Government servant or servants interested in the Khaksar movement in the province?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am also in sympathy with them! (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: From a general question the honourable member cannot go on to a particular question. This is a purely general question, Sir. Last evening you gave a ruling on that.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are considering the question of suppressing the Khaksar movement as the Premier of the Punjab has done?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, there is no justification for it.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the Khaksar movement has been characterized by the Premier of the Punjab as the fifth column of Nazi Germany?

Mr. SPEAKER: That question does not arise.

Recommendations of the Special Officer regarding pay and prospects of inferior employees.

*41. **Maulvi ABDUL HAMID SHAH:** (a) With reference to the reply to starred question No. 228 of the 15th March, 1940, will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the Special Officer has submitted his recommendations as yet?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate circulating to the members of this House the report of the Special Officer with his recommendations?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The Special Officer has not submitted his recommendations yet.

(*b*) Does not arise.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state by what time the recommendations are likely to be published?

The Hon'ble Mr. H. S. SUHRAWARDY: On the last occasion, I stated that I expected the Special Officer to submit his recommendations within six months, and that period will expire in September, 1940, and I expect that his recommendations will be before us about that time.

Mr. ABDUL WAHAB KHAN: Is it a fact that the Special Officer concerned has joined the India Government?

The Hon'ble Mr. H. S. SUHRAWARDY: That is another Special Officer.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether Government propose to grant some war allowance to the inferior employees?

Mr. SPEAKER: I think you ought to have seen the Gazette.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether any special mention was made of the type of workers about whom the Special Officer is to recommend?

Mr. SPEAKER: It refers to only inferior employees.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether all are included in, that as many categories of workers come under that term?

The Hon'ble Mr. H. S. SUHRAWARDY: Inferior employees include what is understood in Government nomenclature by inferior employees.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Re-excavation of the Bidyadhari, Peali and Saraswati rivers.

24. Mr. P. BANERJEE: (*a*) Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the condition of—

(*i*) the Tolly's Nala,

(*ii*) the Bidyadhari river,

(*iii*) the Peali river in the district of 24-Parganas, and

(*iv*) the Saraswati river in the district of Hooghly?

(*b*) If so, will the Hon'ble Minister be pleased to state what action he proposes to take for the re-excavation of the said rivers?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) The badly silted portion of Tolly's Nala has already been excavated. I expect to receive shortly for consideration schemes for the excavation of the upper portion of the Bidyadhari up to the off-take of the Peali and for the improvement of the latter at that point. I understand that the schemes include the construction of side channels to drain the water-logged area in the neighbourhood. The improvement of channels in the Hooghly district including the Saraswati river is contemplated in the Damodar-Hooghly Flushing and Irrigation Scheme, the scope and objects of which I hope to explain to the House during the current session.

Mr. P. BANERJEE: Will the Hon'ble Minister be pleased to state what portion he considers to be the "badly silted portion" of the Tolly's Nala?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The portion on the Hooghly side.

Mr. P. BANERJEE: What is the amount spent in the excavation of this portion of the Tolly's Nala?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think, the total cost would come to about Rs. 1 lakh, as provided in this year's budget.

Mr. P. BANERJEE: Will the Hon'ble Minister consider the desirability of excavating that portion of Tolly's Nala that passes through the Municipality of Calcutta?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: We are excavating the Tolly's Nala from the Kidderpore side up to Garia, or to be more accurate about a mile from Garia.

Mr. P. BANERJEE: Has this portion been already excavated?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, a good portion of the work has already been done.

Mr. P. BANERJEE: Will the Hon'ble Minister be pleased to state if it is not a fact that the whole of the badly silted portion has not been excavated?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Well, I am quite sure that the work in the worst portion is over, but I cannot say exactly what portion of the work remains to be done, which will be taken up after the rains.

Mr. ANUKUL CHANDRA DAS: Is it a fact that the excavated earth from the Tolly's Nala is kept on the border of the canal and is washed away into the river during the rains?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The idea of excavating the Tolly's Nala is to partially improve the drainage of the Panchannagram area and part of the Tollygunge Municipality.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state the reason why the earth is not removed from the bank of the canal so that it may not be washed away and the canal silted up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As far as my information goes, the earth, when excavated, is being sold up very rapidly.

Mr. P. BANERJEE: Will the Hon'ble Minister be pleased to give us an idea by what time the remaining portion will be excavated?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I expect to utilise the entire money which has been allotted in the budget.

Mr. P. BANERJEE: By what time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Within this financial year.

Trade Disputes Conciliation Boards.

25. Dr. SURESH CHANDRA BANERJEE: (*a*) W... ... ... Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) how many Boards of Conciliation to settle trade disputes have been formed in Bengal ever since the inauguration of Provincial Autonomy; and

(*ii*) whether Government have any policy as regards the appointment of members of such Boards?

(*b*) If the answer to (*a*)(*ii*) be in the affirmative, will the Hon'ble Minister be pleased to state what is that policy?

(*c*) Does the Hon'ble Minister contemplate adoption in this matter of the procedure enunciated in section 23 of the Bombay Industrial Disputes Act, 1938?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Two.

(*ii*) and (*b*) Government are guided by the circumstances of the case in accordance with the provision of section 6 of the Trade Disputes Act, 1929.

(*c*) There is no such procedure under consideration. I find the Trade Disputes Act sufficiently adequate on this subject.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what policy was pursued as regards the appointment of the Conciliation Boards in the two cases mentioned in answer (*a*) (*i*) —whether one or more persons were appointed on the Boards?

The Hon'ble Mr. H. S. SUHRAWARDY: As so many questions have been answered on this subject, I thought that the honourable member would have followed the answers given up till now and would have, in that case, known the answer to his own question. In one case, the representative of the employers and the representative of the employees were appointed on the Conciliation Board and the Chairman was an independent officer of Government; in the other case, the Labour Commissioner was appointed as the sole member of the Board.

Dr. SURESH CHANDRA BANERJEE: As there were two unions concerned with the employees, will the Hon'ble Minister be pleased to state which union was recognised by him for the purpose of recommending a representative?

The Hon'ble Mr. H. S. SUHRAWARDY: ... reference to which Board of Conciliation is the honourable member asking?

Dr. SURESH CHANDRA BANERJEE: I am referring to the Burnpur case.

The Hon'ble Mr. H. S. SUHRAWARDY: As a matter of fact, there was no dispute with the Burnpur people at all.

Dr. SURESH CHANDRA BANERJEE: There was a Conciliation Board appointed in that case on which a man from Jamshedpur was appointed. Although there was actually a union in that place, no one was appointed from that union, but another man from Jamshedpur was appointed.

Sir, I would request the Hon'ble Minister to give a serious answer to the question which I am now going to put. Will the Hon'ble Minister be pleased to state why he really thinks that the system which has been enunciated in the Trade Disputes Act, 1929, as regards the appointment of members on Boards of Conciliation, is better than the Bombay system which has been recommended in the Bombay Industrial Disputes Act, 1938?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know what the honourable member means by a "serious answer." I always answer his questions very seriously. So far as section 6 of the Trade Disputes Act is concerned, it gives opportunities to Government to select representatives of the employers and the employees affected. On the other hand, the suggestion of the Bombay Government, viz., that of drawing members from a panel, may mean that employers or employees of the interests affected may not be on the panel at all and therefore may not be selected. No difficulty has yet been experienced in selecting representatives from the interests affected, and I do not think that the system suggested by the Bombay Government is at all an improvement. As a matter of fact, so far as I have been able to gather, the Bombay Government has not applied its panel to the trade disputes.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether he does not think if a panel consisting of 20 men can contain men interested in all the trades?

Mr. SPEAKER: I am afraid you are not going to facts.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*a*) (*i*), that in only two cases Boards of Conciliation to settle trade disputes have been formed in Bengal ever since the inauguration of Provincial Autonomy, will the Hon'ble Minister be pleased to state in how many cases were actual representations made for the Board of Conciliation?

The Hon'ble Mr. H. S. SUHRAWARDY: I can only speak from memory that there were four cases in which representations were made. After all, the establishment of Boards of Conciliation is only a last resort in a trade dispute, and many trade disputes are settled satisfactorily by the Labour Department of Government without any reference to Boards of Conciliation.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is not a fact that in most cases due to refusal of Government to set up Boards of Conciliation strikes had been prolonged and caused unnecessary hardship to the workers?

Mr. SPEAKER: I am afraid this question does not arise out of this. It is a matter of argument.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware that in many cases strikes have not been settled at all and no Boards of Conciliation have been appointed?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is drawing upon his imagination and giving expression to his temperament.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to refer to a particular strike in which threat of tear gas was used against the strikers and in which a Board of Conciliation was not appointed?

The Hon'ble Mr. H. S. SUHRAWARDY: I thought that that unfounded allegation was——

Mr. SPEAKER: That question does not arise.

The Hon'ble Mr. H. S. SUHRAWARDY: Apart from this it is a falsehood.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware that in the Indian Electric Works where the workers resorted to a strike and the strike was prolonged, no Conciliation Board was set up in that particular case?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know to which dispute the honourable member is referring.

Mr. NIHARENDU DUTTA MAZUMDAR: I refer to the particular strike which had taken place in the Indian Electric Works where the strikers stayed inside the factory. Will the Hon'ble Minister be pleased to state whether in the case of that prolonged stay-in strike Government took any steps to settle that strike?

Mr. SPEAKER: That question does not arise; you can ask whether a Board of Conciliation was appointed.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether a Board of Conciliation was set up in connection with that stay-in strike?

The Hon'ble Mr. H. S. SUHRAWARDY: A Board of Conciliation is not set up in every strike, and I would refuse to set up any Board of Conciliation in a stay-in strike when I consider it to be wholly illegal.

Mr. NIHARENDU DUTTA MAZUMDAR: Are cases of stay-in strike excluded from the contemplation of settling strikes through Boards of Conciliation?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly to my mind. I have already announced that it is illegal to have stay-in strikes, and Government do not propose to set up Boards of Conciliation in such cases.

Contour survey in the North Bengal Districts.

26. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the contour survey has been taken up in the North Bengal districts?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how far the contour survey has been taken up, district by district, in the North Bengal?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) Work has just begun in the Jalpaiguri district.

(*c*) Does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is in the contemplation of Government to take up contour survey in all the eight districts or to exclude any district?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The money which has been provided for in the budget is for the whole of North Bengal and the area is bounded on the north by the Titulia-Jalpaiguri road, on the east by the Teesta and the Jamuna rivers, on the south by the river Ganges and on the west by the river Ganges and the boundaries of Malda and Dinajpur districts.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he has fixed any order in which he will proceed from district to district within the boundaries he has given us just now?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir; it is left to the Chief Engineer to decide which area is to be taken up, so that he might be in a position to draw up the comprehensive scheme for the improvement of the waterways simultaneously.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is not possible for Government to take up contour survey in more than one district?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be so. For the first year the money provided is about Rs. 25,000. I believe next year we will be in a position to spend more money but much will depend on the staff that might be available; which must possess the specialized knowledge required for the purpose.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to give us some idea about the year or years in which he will be able to spend the amount of Rs. 4 lakhs which was budgeted for in the last session?

Mr. SPEAKER: May I ask where did you get that figure of Rs. 4 lakhs?

Dr. NALINAKSHA SANYAL: That is a budget provision.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The estimate is to complete the work in six working seasons in four months—from January to April.

Dr. NALINAKSHA SANYAL: With reference to (*b*), where it is said work has just begun in the Jalpaiguri district, will the Hon'ble Minister be pleased to state if the work has commenced after the question was sent during the monsoon months? Is that the meaning?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. My honourable friend knows very well that we cannot commence any work before the budget is passed by this House. Immediately after it is passed and gets the assent of His Excellency the Governor, the department has to make arrangements for taking up the work. It is difficult for me to give the date when the preliminaries were taken in hand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact, as he has just mentioned in reply to another question, that contour surveys are undertaken during four working months, namely, January to April every year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes; we have undertaken the preliminaries.

Dr. NALINAKSHA SANYAL: The work stops during the rains and is started again in September. But the Hon'ble Minister has replied that the work has just begun.

Mr. SPEAKER: He clearly stated that only the preliminaries have been done. He has quite clearly explained that after the budget is passed, Governor's assent has to be taken. After that the department has to make preliminary preparations. The Hon'ble Minister has said that the preliminaries have finished and the work will be taken up again in December.

Dr. NALINAKSHA SANYAL: Sir, the position is this. Either the work was begun in April or it was not begun. If it could not be begun in April, it cannot be taken up in January, and if any money was spent in the monsoon months, it would be a pure waste of money.

Mr. SPEAKER: Why? Do not think that Government do not know it?

Dr. NALINAKSHA SANYAL: The Hon'ble Minister has said the work has just begun in the Jalpaiguri district.

Mr. SPEAKER: You want to know what is the nature of the work just begun?

Dr. NALINAKSHA SANYAL: Yes, Sir. Will the Hon'ble Minister be pleased to state what is the nature of the work just begun?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not understand what my friend actually wants to know. I am not a survey expert as he might be, to be able to state the details of the work undertaken save and except what I have just now stated. I believe some of the staff has gone there and is getting itself ready with the plan to take up the main portion of the work next winter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the staff will be remaining there idle from now till January when the work will begin again, because the Hon'ble Minister has just now stated that the staff has gone there? Let him either not reply, or if he does, let him do so correctly.

Mr. SPEAKER: Well, I could answer you with a very popular Bengali expression, but I refrain from doing so.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is true that the heaviest work falls in the months I have already named, but in other months of the year a portion of the staff is left to verify the maps, and draw up plans, prepare drawings undertake other indoor work.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please give us an idea of the preliminary work taken up in the Jalpaiguri district? What does he mean by the expression "Preliminary work."

Mr. SPEAKER: That question does not arise.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister agree with me if I say that this preliminary work is merely spade work?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state why Jalpaiguri has been selected and not any other lower reaches of the rivers where water-logging is reported to be more severe—as for instance, districts like Malda, Rajshahi and Pabna?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: We left it to the experts of Government to decide the proper place where the work should begin.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please give us the reasons why Jalpaiguri was selected—is it because it is nearer to the hills, near Darjeeling?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Because the work has got to start from one end.

Dr. NALINAKSHA SANYAL: In that case why did not Malda get the privilege of being at one end? Is it because there is no Hon'ble Minister living in that district?

Mr. SPEAKER: That question does not arise.

Earlier laying of Questions and Answers on the table and answering of Questions in Bengali.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, before we proceed further, I have got two submissions to make—one in regard to Questions and Answers, and the other about answering of questions in Bengali. On a previous occasion I submitted to you that arrangements may be made for circulation of order papers either on the same day in the morning or on the previous day in the evening so that it might be possible for members to look up the answers beforehand. Sometimes answers are of such a nature that Ministers refer to answers to previous questions. Sir, in ten minutes' time it is not possible to look up the previous answers so given.

Mr. SPEAKER: I will do this to help you that whenever there is a reference to a previous answer I will instruct my office, if I consider that question to be of importance, to place a few copies of the previous answer on the table in a cyclostyled form.

Mr. NIHARENDU DUTTA MAZUMDAR: Can you, Sir, not arrange that they will be available to members earlier in the day in the forenoon, or on the previous day?

Mr. SPEAKER: I shall certainly look into the matter. I will also consider the manner in which such questions have been answered as soon as we are a little free. I realise that at present nobody knows whose questions are coming before the House. If we cannot come to some satisfactory arangement, we may take it up later.

Mr. NIHARENDU DUTTA MAZUMDAR: Will you kindly give your personal attention to this matter and make some satisfactory arrangement?

Mr. SPEAKER: Well, my life has been a life of agony for the last three years. I am trying to do as best as I can in respect of many useful matters, but I am afraid I have not been able to do so as yet. But since you have drawn my attention to it, I shall see that whenever there is a reference to a previous answer that answer is readily available.

Mr. NIHARENDU DUTTA MAZUMDAR: I would also request you, Sir, to deal similarly with elaborate papers laid on the table in connection with answering of questions.

Mr. SPEAKER: My difficulty is that the rule says "half an hour before." Unfortunately the press arrangements—although I must say that the press is doing the work worderfully well—are such that we get the printed matter only on the day of the sitting or on the day previous, I am not sure which. However, I will look into the matter.

Mr. NIHARENDU DUTTA MAZUMDAR: The second point which I want to submit is this, that it is contemplated that in the proceedings of this House a part of the proceedings may be in Bengali, or in the non-English languages. In cases where members——

Mr. SPEAKER: You see, I have absolutely no staff to spare at present for this purpose.

Mr. NIHARENDU DUTTA MAZUMDAR: In cases where members do not understand English, unless the answers are given in Bengali it becomes absolutely difficult, if not impossible, for them to understand them or to put supplementary questions.

Mr. SPEAKER: I am sorry, Mr. Mazumdar, it is expecting too much of me. I have no staff and what staff I have is at present heavily overworked.

Mr. NIHARENDU DUTTA MAZUMDAR: And in their case, Sir, it may also be necessary to submit questions in Bengali.

Mr. SPEAKER: No staff for that, again.

Mr. NIHARENDU DUTTA MAZUMDAR: In that case, Sir, what steps do you contemplate, to solve these difficulties? Surely, it cannot be that the genius of the Government department and of your own department also cannot find some way out of it because most of the members here——

Mr. SPEAKER: I can have many solutions, provided I have got the money, but see how the Hon'ble Home Minister is looking at me!

Mr. NIHARENDU DUTTA MAZUMDAR: Surely the popular Home Minister can find some means by which the Ministry can express themselves on popular questions through interpellations and answers and thereby help the members as well as their constituents. If any one of their constituents were present and were to ask what answers they gave to this question and that, they would not be in a position to do so unless they took the trouble of getting questions and answers translated elsewhere. That would be a very anomalous position.

Mr. SPEAKER: On the contrary, Mr. Dutta Mazumdar, I can assure you that there are very few members of the type you describe. As far as I know almost everyone can understand the proceedings in this House.

Mr. NIHARENDU DUTTA MAZUMDAR: But, Sir, interpellations and answers are meant for the wider public as well, and you know, Sir, what the percentage of literacy is in this province not to talk of literacy in English.

Mr. SPEAKER: Well, you must leave that task to the daily newspapers.

Mr. NIHARENDU DUTTA MAZUMDAR: But, Sir, daily newspapers are gagged for the time being.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that as a working arrangement the Questions and Answers may be made available in the library at about 1 o'clock? Other papers also may be laid there at that time. I do not think, Sir, that the rules will prevent that.

Mr. SPEAKER: Sir Nazimuddin, is there any objection?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes Sir; the usual practice elsewhere is for questions to be answered on the floor of the House without laying them on the table beforehand. But in Bengal it is the practice to lay them on the table half an hour before the sitting. I consider, Sir, this period is sufficient for the purpose.

Dr. NALINAKSHA SANYAL: In that case, Sir, will the Hon'ble Minister please state if they get these Questions and Answers on the same day as ourselves or one day earlier than we get them? They also should take this risk like ourselves and answer the questions straight-away without reading from printed sheets.

Mr. SPEAKER: They will not be affected.

Dr. NALINAKSHA SANYAL: If they want to stand on the privilege of giving a surprise to members, then they must also be prepared to answer on the spot.

The Hon'ble Khwaja Sir NAZIMUDDIN: Dr. Sanyal must remember that questions are meant for information and not for cross-examination.

Dr. NALINAKSHA SANYAL: Yes; not unless proper answers are withheld.

The Hon'ble Khwaja Sir NAZIMUDDIN: But answers are never withheld if they are readily available.

Dr. NALINAKSHA SANYAL: Sir, perhaps the rules do not prevent placing these papers in the library.

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly they do prevent, for anybody can go and look into the answers there.

Dr. NALINAKSHA SANYAL: But the Librarian is there to watch.

Mr. SPEAKER: At the same time, I want to draw the attention of the Home Minister to the fact that wherever there is the practice of giving oral answers, invariably a list of such questions is in the hands of members so that they know which questions are going to be taken up. Here the normal practice has been to supply the information half an hour before the meeting.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got no objection to supplying information half an hour before, and I have got no objection to your arranging a particular Minister answering questions on a particular day, but I do object to answers being laid on the Library table, because that is wrong.

Mr. SPEAKER: Why?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the answers will then be available to people other than the members of this House before they are delivered here.

Mr. NIHARENDU DUTTA MAZUMDAR: I do not see what the objection is to making these answers available a little earlier. Government want a full fortnight's notice. The Hon'ble Sir Nazimuddin is a conscientious Minister and where there are intelligent answers—there are some kinds of answers which do not take more than five seconds; there is nothing in them—I think in fairness to the Hon'ble Sir Nazimuddin's labours in preparing the answers, we should also be given a chance to do justice to his answers and therefore I suggest that they should be made available a couple of hours in advance of the question time. Either it should be arranged that members might call for them and get them in the forenoon, or they should be laid on the table a couple of hours earlier.

Mr. SPEAKER: I shall look into the matter.

Mr. SIBNATH BANERJEE: Sir, I want to bring to your notice that instead of the answers being available half an hour earlier, they are generally available only 15 or 20 minutes before the question time; furthermore, we are not able to read, because the light is put on only five minutes before the time for the meeting.

The Hon'ble Khwaja Sir NAZIMUDDIN: That has nothing to do with the Home Department.

Mr. SPEAKER: I shall certainly arrange to give you light half an hour before.

Mr. NIKUNJA BEHARI MAITI: I have a suggestion to make, and that is the answers may be kept with the Librarian who may be told to make them available only to members so that the public will not be able to look at them.

Mr. SPEAKER: I have already said that I shall look into the matter.

NON-OFFICIAL RESOLUTION.

Mr. MAQBUL HOSAIN: Sir, I beg to move that this Assembly is of opinion that the Government of Bengal should convey to the Government of India and through them to the British Government that the future constitution of India should be framed by a Constituent Assembly elected on the basis of adult franchise with safeguards for the protection of the rights and interests of Muslims to be determined solely by the Muslim members of such Assembly, the representatives of other communities or any foreign power having no right to interfere with their decision.

ইহার বাংলা অর্থ হইতেছে এই যে—এই পরিষদের অভিমত এই যে বঙ্গীয় গভর্ণমেণ্ট ভারত গভর্ণমেণ্টের নিকট, এবং ভারত গভর্ণমেণ্টের মারফৎ বৃটিশ গভর্ণমেণ্টের নিকট সুপারিশ করিবেন যে ভারতের ভবিষ্যৎ শাসনতন্ত্র প্রাপ্ত বয়স্কের ভোটাধিকারের ভিত্তিতে নির্ব্বাচিত গণপরিষদ কর্ত্তৃক প্রণয়ন করিতে হইবে। এবং ঐ শাসনতন্ত্রে মুসলমানদের অধিকার এবং স্বার্থ রক্ষার জন্য রক্ষা কবচের ব্যবস্থা কেবলমাত্র ঐ গণপরিষদের মুসলমান সদস্যগণই নির্দ্ধারণ করিবেন এবং তাঁহাদের এই নির্দ্ধারণে অন্যান্য সম্প্রদায়ের প্রতিনিধিগণের কিম্বা কোন বৈদেশিক শক্তির হস্তক্ষেপ করিবার কোন অধিকার থাকিবে না।

মি: স্পীকার, আমি অদ্য আপনার মারফৎ এই পরিষদের সদস্যগণের নিকট আমার প্রস্তাব সম্পর্কে দুই চারিটী কথা নিবেদন করিব। আমি আশা করি আমার এই প্রস্তাব সকলেই গ্রহণ করিবেন। দেশ শাসনের অধিকার এবং দেশ রক্ষার দায়িত্বের নামই স্বায়ত্ত-শাসন। এইরূপ একটী স্বায়ত্ত-শাসনের অধিকারসম্পন্ন শাসনতন্ত্র প্রণয়ন করিবার একমাত্র পন্থা হইল constituent assembly বা প্রাপ্ত বয়স্কের সার্ব্বজনীন ভোটাধিকারের ভিত্তিতে নির্ব্বাচিত গণপরিষদ। দেশের অধিবাসীগণ যেখানে বিভিন্ন অর্থনৈতিক স্বার্থ বিশিষ্ট শ্রেণীতে বিভক্ত সেখানে অতীতকে ছাড়িয়া ভবিষ্যতের পথে অগ্রসর হইবার জন্য প্রয়োজন—সমগ্র জাতির ঐক্যবদ্ধশক্তি। এই ঐক্যবদ্ধ জাতীয় শক্তির বনিয়াদ হইবে—ভারতীয় শোষক এবং শোষিত কায়েমী স্বার্থবিশিষ্ট ব্যক্তিগণ এবং সর্ব্বহারা জনগণের প্রতিনিধি লইয়া গঠিত গণপরিষদ বা কনষ্টিটিউয়েণ্ট এসেম্বলির (constituent assembly) এবং এইরূপ একটা প্রতিষ্ঠান ব্যতীত ভারতের ভবিষ্যৎ শাসনতন্ত্র গঠনে শোষিত জনগণের পক্ষে কায়েমী স্বার্থের বিরোধীতা ঠেকাইয়া রাখা অসম্ভব।

বস্তুত: গণপরিষদ হইতেছে একটী বিশিষ্ট ধরণের শ্রেণী সহযোগীতা,—a special kind of co-operation amongst different economic classes. এই জন্যই সাধারণভাবে ধর্ম্মসম্প্রদায় নির্ব্বিশেষে ভারতের সকল সম্প্রদায়েরই জমিদার এবং ধনী শ্রেণী constituent assemblyর বিরুদ্ধে অভিমত প্রকাশ করিয়া আসিতেছেন। তাহাদের মনে আশঙ্কা জাগিয়াছে—এইরূপ একটী সহযোগীতার

ক্ষেত্রে কায়েমী স্বার্থকে বজায় রাখা সম্ভব হইবে কি না। তাহাদের এই আশঙ্কা সত্য হইলেও প্রাপ্ত বয়স্কদের সার্বজনীন ভোটাধিকারের ভিত্তিতে নির্বাচিত প্রতিনিধি পরিষদই ভারতের ভাবী শাসনতন্ত্র সম্পর্কে ভারতীয় জনগণের দাবী পূরণে সক্ষম। ভারতের নিপীড়িত শোষিত জনগণ আজ তাহাদের অর্থনৈতিক অধীনতা হইতে পূর্ণ স্বাধীনতার দাবী জানাইতেছে,—ভারতের ভবিষ্যৎ শাসনতন্ত্র প্রণয়নে সম্পূর্ণ রূপে আত্মনিয়ন্ত্রণের অধিকার তাহারা দাবী করিতেছে। এই দাবির গুরুত্ব উপলব্ধি করিয়াই সকল ধর্মসম্প্রদায়ের কায়েমী স্বার্থ বিশিষ্ট ব্যক্তিগণ ধর্মের নামে জনগণকে বিভ্রান্ত করিতে চেষ্টা করিতেছেন। এই দিক দিয়া মুস্‌লিম লীগের প্রচেষ্টাই বোধ হয় প্রথম স্থান অধিকার করিয়াছে। তাহারা কনষ্টিটিউয়েণ্ট এসেম্বলির পরিবর্তে পাকিস্থানের স্বপ্ন দেখিতেছেন। গণতন্ত্র, গণপরিষদ প্রভৃতির নামে তাঁহাদের মনে আশঙ্কা জাগে, ভারতের শাসনতন্ত্র গণপরিষদ কর্তৃক রচিত হইলে ভারতের মুসলমানগণ বুঝি তাহাদের সব কিছুই হারাইয়া নিজ বাসভূমে পরবাসী হইয়া পড়িবে। বস্তুতঃ তাহাদের এই আশঙ্কা যে কত অমূলক, একটুখানি হিসাব করিয়া দেখিলেই তাহা আমরা বুঝিতে পারিব।

উত্তর পশ্চিম ভারতের পাঞ্জাব, সিন্ধু, সীমান্ত প্রদেশ এবং বেলুচিস্থান এই চারিটী প্রদেশে মুসলমানগণ সংখ্যা গরিষ্ঠ, বেলুচিস্থান ও সীমান্ত প্রদেশে মুসলমান ছাড়া অন্য ধর্মসম্প্রদায় নাই বলিলেও অত্যুক্তি হয় না। ভারতের উত্তর পূর্ব প্রান্তে বাংলা দেশ। বাংলা দেশে মুসলমানগণ সংখ্যা গরিষ্ঠ। আসামের মুসলমানগণ পার্বত্য জাতি এবং হিন্দুদের মোট সংখ্যা অপেক্ষা সংখ্যা গরিষ্ঠ না হইলেও তাহারা এমন স্থান অধিকার করিয়া রাখিয়াছেন যে তাহারা ইচ্ছা করিলে সংখ্যা গরিষ্ঠ হইতে পারেন। বেলুচিস্থানে স্বায়ত্বশাসন প্রবর্তিত হইলে বৃটিশ ভারতে মোট প্রদেশের সংখ্যা হইবে ১২টী, এই ১২টী প্রদেশের মধ্যে পাঞ্জাব, সিন্ধু, সীমান্ত প্রদেশ এবং বেলুচিস্থান এই চারিটী প্রদেশ এক ব্লকে রহিয়াছে। এবং এই চারিটী প্রদেশেই মুসলমানগণ সংখ্যা গরিষ্ঠ। তাছাড়া ভারতের পূর্ব প্রান্তে এক সাধারণ সীমান্ত-বিশিষ্ট বাংলা ও আসাম। এই দুই প্রদেশে মুসলমানগণ সংখ্যা গরিষ্ঠ। তাহা হইলে দেখা যাইতেছে যে ভারতের ১২টী প্রদেশের মধ্যে ৬টী প্রদেশেই মুসলমানগণ সংখ্যা গরিষ্ঠ, অবশ্য বেলুচিস্থানকে স্বায়ত্বশাসনসম্পন্ন প্রদেশ ধরিয়া। সুতরাং ভারতের অবশিষ্ট ছয়টী প্রদেশে মুসলমানগণ সংখ্যাল্প হইলেও আশঙ্কার কোন কারণ নাই। সংযুক্ত ভারতের শাসনতন্ত্র প্রণয়নে গণপরিষদ বা কনষ্টিটিউয়েণ্ট এসেম্বলি গঠিত হইলে এই ছয়টী প্রদেশের মুসলমানগণই তাহাদের স্বার্থ ও অধিকার রক্ষা করিতে সমর্থ হইবে; বিশেষতঃ যদি মুসলমানদের স্বার্থ ও অধিকার রক্ষা সম্পর্কিত ব্যাপারে মুসলমানদের সিদ্ধান্তই চূড়ান্ত বলিয়া বিবেচিত হয়। এই দাবির উপরই গণপরিষদের ভিত্তি প্রতিষ্ঠিত করিতে হইবে। গণপরিষদ সম্বন্ধে ইহাই মুসলমানদের দাবি।

ভারতের উত্তর-পশ্চিম অংশে চারিটী মুসলমান প্রধান স্বায়ত্বশাসনসম্পন্ন প্রদেশ যদি ভারতীয় যুক্তরাষ্ট্রের অংশীদার হয়, তাহা হইলে ইস্তাম্বুল হইতে পাঞ্জাব পর্য্যন্ত প্রায় সাড়ে তিনহাজার মাইল বিস্তৃত স্বাধীন মুস্‌লিম রাষ্ট্রসমূহের একটা বিরাট সংহতি গঠিত হওয়া সম্ভব,—যে সংহতি ভবিষ্যতে সমগ্র এশিয়া, আফ্রিকা এমন কি সুদূর য়ুরোপকেও নিয়ন্ত্রিত করিতে সমর্থ হইবে। এই মুস্লিম অধ্যুসিত অঞ্চলে, তুরস্ক, আরব, পারস্য,

রিপাব্লিক, আফগানিস্থান, প্রভৃতি স্বাধীন রাষ্ট্রসমূহ অবস্থিত। ভবিষ্যতের কথা যদি ছাড়িয়াও দেওয়া যায় তাহা হইলেও ভারতীয় যুক্তরাষ্ট্রে ৬টী মুস্লিম সংখ্যা গরিষ্ঠ প্রদেশ যে রাষ্ট্রনৈতিক এবং অর্থনৈতিক অধিকার ও সুবিধা লাভ করিবে মুস্লিম লীগের পরিকল্পিত পাকিস্থানে তাহা কোন প্রকারেই সম্ভব হইতে পারে না।

পাঞ্জাব, সিন্ধু, সীমান্ত প্রদেশ, বেলুচিস্থান, বাংলা ও আসাম, ভারতীয় যুক্তরাষ্ট্রের বিশেষ শক্তিশালী অংশীদার হিসাবে সমগ্র ভারতের অর্থনৈতিক এবং দেশরক্ষা সম্পর্কিত ব্যাপারে অবশিষ্ট অন্যান্য প্রদেশের মতই প্রভাব বিস্তার করিতে সমর্থ হইবে। ভারতীয় যুক্তরাষ্ট্রীয় সামরিকশক্তি নিয়ন্ত্রিত ও পরিচালিত করিবে—সীমান্ত, বেলুচিস্থান ও পাঞ্জাবের পাঠানগণ সমগ্র ভারতে মাত্র দুইটী প্রদেশই প্রচুর শস্য সম্পদের অধিকারী, সে দুইটী প্রদেশ—মুস্লিম সংখ্যাগরিষ্ঠ বাংলা এবং পাঞ্জাব। সমগ্র ভারতের খাদ্য শস্য সরবরাহ ও নিয়ন্ত্রণ করিয়া থাকে এই দুটী প্রদেশ, সুতরাং মুসলমানদেরই অধিকতর লাভবাণ হওয়ার সম্ভাবনা প্রস্তাবিত পরিকল্পনায় দেখা যাইতেছে।

সমষ্টিগতভাবে সমগ্র ভারতের আভ্যন্তরীণ নিরাপত্তা এবং বহিরাক্রমণের সময় আত্মরক্ষার জন্য ভারতীয় যুক্তরাষ্ট্র দায়ী থাকিবে ও সমগ্র ভারতের বিপুল অর্থনৈতিক শক্তি অন্যান্য প্রদেশের ন্যায় বাংলা, আসাম, পাঞ্জাব, সিন্ধু, সীমান্ত প্রদেশ এবং বেলুচিস্থানের কৃষি, শিল্প ও বাণিজ্যের উন্নতির জন্য নিয়োজিত হইবে, আর তাহার বিশাল সামরিক-শক্তি তাহাদের নিরাপত্তা রক্ষার জন্য নিযুক্ত থাকিবে। শুধু তাই নয়, ভারতীয় যুক্তরাষ্ট্রের ভিতর দিয়াই ভারতের দেশীয় রাজ্য এবং অন্যান্য প্রদেশগুলিতে সংখ্যালঘিষ্ঠ মুস্লিম সম্প্রদায়ের অধিকার এবং স্বার্থ অতি সহজে রক্ষিত হইতে পারিবে। কিন্তু পাকিস্থান পরিকল্পনায় দুই কোটি পাঞ্জাবী, সিন্ধি, পাঠান এবং বেলুচি মুসলমান লইয়া উত্তর-পশ্চিম ভারতে একটি এবং আড়াই কোটী আসামী ও বাঙালী মুসলমান লইয়া উত্তর-পূর্ব ভারতে আর একটী স্বতন্ত্র স্বাধীন এবং সার্বভৌম মুস্লিমরাষ্ট্র Sovereign Muslim State গঠিত হইলে সেই দুটী স্বাধীন রাষ্ট্র সমগ্র ভারতের অর্থনৈতিক ও সামরিক শক্তির সাহায্য হইতে বঞ্চিত হইবে। উত্তর-পশ্চিম ভারতীয় পাকিস্থানের ১৬।১৭ কোটি টাকা রাজস্ব উহার দৈনন্দিন শাসন কার্য্যেই ব্যয় হইয়া যাইবে, কৃষি, শিল্প ও বাণিজ্যের উন্নতি এবং দেশরক্ষার জন্য কিছুই থাকিবে না। পাকিস্থানের কেন্দ্রীয় রাজস্ব, রেলওয়ে শুল্ক প্রভৃতির আয় যদি ১০ কোটি টাকাও হয় তবুও বাহিরাক্রমণে আত্মরক্ষার উপযোগী সামরিক শক্তিসঞ্চয় করিবার পক্ষে একেবারেই অপ্রচুর হইবে। আর যদি বৃটিশ সামরিক শক্তিকে পাকিস্থান রক্ষার ভার দেওয়া যায় তাহা হইলে স্বাধীন পাকিস্থানের কি মূল্য থাকিবে? বর্ত্তমানে সীমান্ত রক্ষার জন্য ২৫ কোটি টাকা ব্যয় হইয়া থাকে। যদি ভারতের সহিত উত্তর-পশ্চিম পাকিস্থানের কোন সংযোগ নাই থাকে তবে এত অর্থই বা সংগ্রহ হইবে কিরূপে? অথচ সীমান্ত রক্ষার সম্পূর্ণ দায়িত্ব পড়িবে—পাকিস্থানের উপর; কিন্তু তার ফল ভোগ করিবে সমগ্র ভারত—তথা, না-পাকিস্থান।

আর এদিক দিয়া চিন্তা করিলে আমরা দেখিতে পাই যে আগ্রা, অযোধ্যা, সংযুক্ত প্রদেশ ভারতীয় মুসলমানগণের পীঠস্থান স্বরূপ। তাজমহল, দেওয়ানী আম, দেওয়ানী খাস, আলিগড়, দেওবন্দ দীল্লির জামে মসজিদ, কুতুবমিনার, আওলিয়া ও বাদশাহগণের

মাজার শরীফ প্রভৃতি ভারতীয় মুসলমানগণের বহু পুরাতন ও নূতন কীর্ত্তি সংযুক্ত প্রদেশ ও দীল্লিতে অবস্থিত। ঐ সব স্থানের প্রতি ধূলিকণা পর্য্যন্ত মুসলমানদের কাছে অতি পবিত্র এবং প্রিয়বস্তু। এই সকল পুণ্যস্থান না-পাকিস্থানে ঠেলিয়া কোন মুসলমানই পাকিস্থান গড়িতে সম্মত হইতে পারিবে না।

পাকিস্থানের সমালোচনা করা আমার উদ্দেশ্য নয়, ভারতীয় যুক্তরাষ্ট্রে ভারতের মুস্লিমপ্রধান দেশগুলি এবং অন্যান্য প্রদেশের সংখ্যাল্প মুসলমান সম্প্রদায় কি কি সুবিধা পাইতে পারে তাহা স্পষ্টরূপে বুঝাইবার জন্যই আমি পাকিস্থানের কথা উল্লেখ করিলাম। হিন্দু-প্রাধান্যের ভয়ে গণপরিষদের বিরুদ্ধে মুস্লীম লীগের আপত্তি যে ভীত্তিহীন তাহাই আমি এখানে প্রমাণিত করার চেষ্টা করিলাম। এই আলোচনায় আমরা দেখিতে পাইতেছি—ভারতীয় মুসলমানদের অধিকার ও স্বার্থ রক্ষার জন্য ভারতীয় যুক্তরাষ্ট্রের অংশীদার হিসাবে থাকাই সর্ব্বাপেক্ষা অধিক লাভজনক। ইহা যদি ভারতীয় মুসলমানদের পক্ষে কল্যাণকর হয়, তাহা হইলে যুক্তরাষ্ট্রগঠনে মুসলমানদের অধিকার ও দায়িত্বের কথাও স্বীকার করিতে হয়। গণপরিষদ ব্যতিত এই অধিকার রক্ষা ও দায়িত্বপালনের উৎকৃষ্টতর আর কোন পন্থা থাকিতে পারে না।

হিন্দু জনসাধারণের কথা যদি ছাড়িয়া দিই তাহা হইলেও যে অর্থনৈতিক ও অন্যান্য সমস্যার চাপে ভারতীয় মুস্লিম জনগণ নিষ্পেষিত হইতেছে তাহার সমাধান কখনই সম্ভবপর হইতে পারে না,—যদি প্রাপ্ত বয়স্ক ব্যক্তিগণের ভোটাধিকারের ভিত্তিতে গণপরিষদ গঠিত না হয়, মুস্লিম জনগণের বাস্তব অবস্থার প্রতি আমাদিগকে লক্ষ্য রাখিতে হইবে, ইস্লাম বিপন্নের ধূম্রজাল সৃষ্টি করিয়া তাহাকে অস্পষ্ট করিয়া তুলিলে চলিবে না। মুস্লিম জনসাধারণের অর্থনৈতিক দুরবস্থার মূল কোথায়? ধর্ম্ম সম্প্রদায় নির্বিশেষে ভারতের সমস্ত জনগণের দুরবস্থার সহিত,—ভারতীয় সমাজ ব্যবস্থার সহিত, দুনিয়া ব্যাপি আর্থিক সঙ্কটের সহিত তাহার সম্পর্ক কি তাহা না জানিলে, না বুঝিলে, মুস্লিম জনগণের দুঃখ দুর্দ্দশা দূর করা যাইবে না। আর মুস্লিম জনগণের দুঃখ দুর্দ্দশা যদি দূর না-ই হইল তাহা হইলে তাহাদের দিক হইতে ভারতীয় যুক্তরাষ্ট্রের স্বার্থকতাই বা কি? বস্তুতঃ, ভারতীয় যুক্তরাষ্ট্রে তাদের স্বার্থ রক্ষা করিতে গেলেও বিভিন্ন অর্থনৈতিক শ্রেণীতে বিভক্ত ভারতে গণপরিষদ ছাড়া আর কোনও পথ নাই। ইস্লাম বিপন্নের ধূম্রজাল অপসারিত হইলে, সাম্প্রদায়িকতার মোহ কাটিয়া গেলে, ভারতীয় মুস্লিম জনগণের দুঃখ দুর্দ্দশার বাস্তব রূপ সকলের সম্মুখে সুস্পষ্ট হইয়া উঠিবে। জাতীয় স্বাধীনতা ও জাতীয় সম্মানের প্রকৃত রূপ তাহাদের সম্মুখে পরিস্ফুট হইয়া দেখা দিবে, গণপরিষদ তাহাদের অধিকার ও স্বার্থ রক্ষার উপযোগী করিয়া ভারতীয় যুক্তরাষ্ট্রের শাসনতন্ত্র রচনা করিবে। প্রকৃতপক্ষে কায়েমী স্বার্থবাদী মুসলমানদের ইহাই গণপরিষদের বিরুদ্ধে আপত্তির কারণ, এবং কায়েমী স্বার্থ রক্ষার জন্যই আজ ইস্লাম বিপন্নের ধুয়া উঠিয়া পাকিস্থানের অস্বাভাবিক পরিকল্পনার সৃষ্টি হইয়াছে।

আজ আমি শুধু এই কথাই বলিব যে গণপরিষদ ব্যতীত ভারতের মুসলমান জনসাধারণের জন্য শুধু নয় সমগ্র ভারতের জনগণেরও আশা আকাঙ্খা পূরণ হইবে না অন্য যে কোন শাসনতন্ত্র দ্বারা ভারতের মুস্লিম জমিদার ও ধনী শ্রেণীর স্বার্থ ও বিশেষ

অধিকার হয়ত রক্ষিত হইতে পারে কিন্তু মুস্লিম জনসাধারণ উহাতেই নিজেদের স্বার্থ-রক্ষিত হইল বলিয়া যে মনে করিবে সে দিন আর এখনও নাই। এই জন্যই আমি প্রস্তাব করিতেছি যে ভারতের প্রাপ্ত বয়স্ক জনগণের ভোটে নির্বাচিত প্রতিনিধিগণ দ্বারা ভারতের শাসনতন্ত্র রচিত হউক, এবং ঐ শাসনতন্ত্রে মুসলমানদের অধিকার ও স্বার্থ রক্ষার ব্যবস্থা মুস্লিম প্রতিনিধিগণ দ্বারা নির্দ্ধারিত হউক। এবং ইহাতে কোন বৈদেশিক শক্তি কিম্বা ভারতের অন্যান্য সম্প্রদায়ের প্রতিনিধিগণের হস্তক্ষেপ করিবার কোন অধিকার থাকিতে পারিবে না। আমার এই প্রস্তাব পরিষদের সকলকেই গ্রহণ করার জন্য অনুরোধ করিতেছি।

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that—

(*i*) in line 3, after the word "that" the words "after the termination of war" be inserted and the word "future" be deleted; and

(*ii*) the following be added at the end, namely:—

"and in the meantime national Government be formed in the centre as well as in the provinces with responsibility in the centre consisting of the representatives of different important political groups in India."

Sir, it appears to me that the resolution moved by my honourable friend is a very old one. Times have changed since. We are aware that negotiations are in progress with His Excellency the Viceroy, Mahatma Gandhi and other political leaders of diffeernt groups. Suggestions have been made of Dominion Status of the Westminster variety; suggestion has also been made of a National Government in the centre and its reaction in the provinces. Suggestion has also been made of complete independence. Negotiations are still in progress, and if God spares England for a few weeks more from the German onslaughts, I hope some sort of a National Government will probably be formed at the centre, and it may also be reflected in the provinces. Therefore, I have suggested that this Government should recommend to the Central Government to form a National Government consisting of the representatives of the various political groups in India.

Sir, the suggestion is very simple, and the international situation that is changing every hour and the speech that we expect to hear very soon from Hitler, will further aggravate the international situation. Therefore, Sir, it will be wise on our part to expedite matters and put our heads together to save India from the onslaughts of foreigners.

I hope, Sir, that my friend, the mover of the resolution, will accept this small amendment and that the House will also agree to it, and I am sure that there will be no difference of opinion as to accepting my amendment by all groups within the House.

With these few words, Sir, I move my amendment.

Maulvi ABUL HASHIM: Sir, leaving aside the minor details, the question raised by this resolution is at the present moment engaging the serious attention of three major sections—I mean, parties, namely, British people and in India Hindus and Muslims. Sir, here so far as the question of the transference of power from England to India is concerned, I think, India and England are unanimous. Leaving aside the question as to whether we are going to have complete independence or Dominion Status or some other thing, this much can be said without any fear of contradiction that there will be some substantial transference of power from England to India either when the war is over or even before that. So far we are all agreed.

The next question that confronts us is the framing of the future Constitution of India. Who will frame this Constitution? We Indians claim that the Constitution should be framed entirely by our own representatives. England, however, demands that as the paramount power they must have something to say in the matter. It is here that India—Hindus and Muslims—and England part ways.

Now, Sir, the next question is how we Indian people will express our opinion as to what we want about the future Constitution. The Hindus demand that the future Constitution should be framed by Indians by a Constituent Assembly on the basis of universal adult franchise; and it is here that the two great sections of Indians—Hindus and Muslims—differ. And this is the question that confronts us here, and something must be done to solve this.

Sir, in this resolution we find, as from every platform and press where this question is agitated, that the two things, Constituent Assembly and adult franchise, are supposed to be indispensable characteristics of democracy. Sir, this word democracy, I would most seriously submit, does not bear any absolute meaning. Its meaning varies from unlimited despotism down to mobocracy. Sir, to-day the Nazi Government in Germany having Hitler at its head, who, as is reported, was able to record more than 90 per cent. of the votes of the German people, claims to be a democratic institution. Sir, again England which has got a well-organised party system of Government also claims that their Government and their Constitution stand for democracy. Sir, in ancient times, looking into the history of Islam we find that although we Muslims claim that Islam is a democratic religion, nowhere we find anything like Constituent Assembly and

adult franchise. Leaving aside the question of the Abbasides, the Ummayads and the Ottoman Caliphate, if we come back to the four righteous Caliphs, even there we do not find Constituent Assembly and adult franchise. So it is a question to be decided as to what we actually mean by democracy when we here demand a constitution based on democracy. Sir, even the British Constitution with His Majesty the King at the top, the Cabinet, the House of Lords and the House of Commons, is a mixture of monarchy, oligarchy, aristocracy and democracy. Democracy, as is interpreted in some of the countries of the West—I must say with all the emphasis I can command—is suitable only for a homogenous people and not for Indians as we are. (Cries of "Question!" from the Opposition Benches.) This may be questioned, but I have not the least doubt that while talking of these things you seldom look to your own culture and civilisation, but you always borrow your political ideologies from the West.

Sir, besides that, no system of Government can be taken as absolute for all ages and for all people. First of all, we must decide what sort of Government we must have here, what sort of Government will be suitable for the growth of our own national genius.

Next we come to the great question of Hindu-Muslim quarrel and unity. Here, Sir, if this Hindu-Muslim question were merely a question of quarrel or unity of two peoples like the Bengalees and the Beharees, the solution would have been very easy. But very unfortunately, Sir, this Hindu-Muslim question here is a question of conflict between two different cultures and not between two different peoples. Sir, I can visualise unity of Hindus and Muslims as two different peoples, but I must again say with all the emphasis I can command that I cannot think of Hindu-Muslim unity in the sense of unity of Hindu and Muslim cultures. On more than one occasion I have said that. I do not even consider it desirable. As an illustration I may say, leaving aside all the spiritual, social, legal and other questions, taking only the political question into consideration, that Islam is a democratic monotheism——

Mr. SPEAKER: I am sorry, I have to interrupt you. I am afraid, the debate is going on wrong lines. This debate is not on the question as to whether the future Constitution of India should be democracy or autocracy or otherwise. There is nothing here in this resolution as to the nature of the future Constitution. All that it says is that the opinion of the House is that the future Constitution of India should be framed by a Constituent Assembly of a certain character. Therefore, irrespective of what the Constitution is going to be, you are to debate only on the point as to whether you desire that the Constitution should be determined by a Constituent Assembly or not, and if not, why not.

Maulvi ABUL HASHIM: Just by way of showing the exact difficulty of accepting this resolution I was referring to these matters. Sir, it is enough to say that Hindu-Muslim question is not a conflict between two different peoples but between two different cultures.

Now, Sir, a fundamental question like the framing of a Constitution for a country cannot be decided by votes only, particularly in this heterogenous country. There are only two ways of solving this question—first by agreement; and if this fails, the only other alternative is—by civil war. If Dominion Status is in contemplation and if the British bayonet is going to protect whatever Constitution we may have, the only way open is the way of agreement. If we are going to have complete independence, and as my esteemed friend Mr. Jalaluddin Hashemy said, if the British people are not able to survive the onslaught of Nazi Germans and if we are going to get independence willingly or unwillingly, then this question can be solved by civil war. If that is not done, if the British bayonet is going to protect this Constitution, then within the framework of the British protection this question cannot be solved by votes or civil war; there must be agreement.

Now, Sir, this particular resolution is in line with the latest Congress decision. It proposes that Muslim interests should be safeguarded and with regard to safeguarding Muslim interests only the Muslim members of the proposed Constituent Assembly, constituted by adult franchise, should give their verdict. That is quite all right, Sir. But this naturally raises in our mind two distinct questions. First, who is going to decide what these Muslim interests are? Next when they are once decided and the Muslim section of that Assembly constituted by adult franchise pronounces its own judgment who is going to enforce that judgment? What are the Muslim interests which must be safeguarded. This must first be decided and accepted by all parties concerned. We must get an assurance from the paramount power that these Muslim interests and the opinion of the Muslim section in the Assembly will be protected. There cannot be any meaning whatsoever in having Constituent Assembly elected by adult franchise unless and until these questions are settled satisfactorily. It is here that the whole difficulty arises. Therefore it is on these grounds and not on the ground that we are generally opposed to a Constituent Assembly, and taking into consideration this particular difficulty, that we will remain where we are now even after the constitution of the Constituent Assembly, unless these two important questions are very clearly defined and accepted by all parties concerned and we are assured by the paramount power that our opinion will be respected, I oppose the resolution. If these conditions are not satisfied, we shall remain where we are, in spite of the Constituent Assembly and in spite of everything.

Dr. H. C. MUKHERJEE: Mr. Speaker, Sir, the mover of this resolution has not made it quite clear how this Constituent Assembly is going to work. Personally I am not quite certain as to whether the Constituent Assembly is a practical proposition. So far as I am concerned, as a representative of a minority community I cannot support this resolution for the reason that this looks after the interest of a particular section of the community only. So far as I am concerned I would plead that in case this resolution is accepted, the safeguards demanded by my friend should be extended to every minority community.

Mr. SYED BADRUDDUJA: Mr. Speaker, Sir, I would not have intervened in the debate but for some misunderstandings that have cropped up in the course of the discussion about the Constituent Assembly this afternoon.

I don't see any reason why a resolution of this character should at all be brought forward before this Legislature by a Muslim friend opposite and that in the face of the united Muslim decision on the future Constitution of India as expressed in the resolution of the all-India Muslim League at the historic session at Lahore.

Sir, it is not the first time that this question is sought to be discussed by Muslims and Hindus of this country. Times without number have we striven to come closer to each other, but all our attempts have hitherto ended in a fiasco. Whenever any attempt to frame the constitution of India has been made, the communal or the racial bubble has always burst revealing to the world the most combustible substance of racial hatred and antagonism that lies beneath the apparently calm political surface of India. Not merely during the three Sessions of the Round Table Conference, but in the all-parties' Convention also, leaders of the two great communities representing various shades of public opinion and various schools of political thought in the country made serious efforts to solve the problem that faces us at the present moment, but all to no purpose. It is not for nothing that the greatest statesmen of modern India, Mr. Mohammed Ali Jinnah and the other great nationalists and patriots like the late lamented Maulana Mohammed Ali of revered memory and the Hon'ble Mr. A. K. Fazlul Huq had to break away from the Congress. In the all-parties' Convention Maulana Mohammed Ali formulated certain demands on behalf of the Mussalmans—demands which were sufficiently moderated by Mr. Jinnah and yet great leaders of the Hindu community including Mr. Gandhi could not accede to the demands. Very often Mr. Gandhi has issued a blank cheque to Muslims of India without ever trying to count his bank balances.

Sir, problems of national adjustment, constitutional questions of a far-reaching character can never be solved on sentimental grounds. We have got to take stock of the various forces that have been operating in the country. Other leaders like Pandit Jawaharlal Nehru would not even recognise the Mussalman's separate existence. In the height of his glory and power, probably in 1936, he declared in no uncertain terms that there existed only two parties in India, viz., the British Government and the Congress. He declared from the housetop that thousands of Muslim Leagues led by thousands of Jinnahs could not prevent him from establishing his personal contact with the Muslim masses of India. I sent a rejoinder to the redoubtable Pandit in the *Star of India* challenging his statement, where I remarked if I were to attempt the very same experiment with the Hindu masses as Panditji was proposing to do with the Muslim masses and tried to establish a personal contact with the Hindus by ignoring Mr. Gandhi and, for the matter of that, Pandit Jawaharlal Nehru himself, how would he relish that idea and how would he reconcile himself to this abject position of self-surrender? It has been hitherto very easy to coax, to cajole, to wheedle the unwary Muslim masses of India and lull them into a false sense of security. But Muslims fortunately to-day are wide awake; they would not allow themselves any longer to be exploited or used as pawns in the political chess-board of the country for any party's aggrandisement. Any attempt, therefore, to thrust upon the Muslmans of India a constitution sought to be framed by the Constituent Assembly will be resented by them and opposed most vehemently.

Coming to the question itself let us realise, Sir, the real implications of the constitution of 1935 that has been working in the several provinces of India even now. This constitution has provided enough safeguards for the protection of minorities. But for the much condemned Communal Award the Scheduled Castes, Christians, Anglo-Indians and other minorities of India would have been nowhere in the picture; even Mussalmans would have been thrown in the background. But even these safeguards have proved absolutely illusory. In spite of all the checks and balances, in spite of all the safeguards that have been provided in the Government of India Act, 1935, in spite of all the powers that have been given to the Governors of the Provinces under the Instrument of Instructions to protect the minorities against the tyranny of an unsympathetic majority, minorities in the Congress-governed provinces had no quarter, no shelter, no recognition, no appreciation, no encouragement, no facilities or opportunities thrown open to them to contribute according to their own light and convictions to the political and social evolution of the common motherland. Then there is another point Sir.

Dr. NALINAKSHA SANYAL: Are you supporting the motion?

Mr. SYED BADRUDDUJA: No, I am not supporting the motion.

Dr. NALINAKSHA SANYAL: But the resolution provides Muslims' complete freedom.

Mr. SPEAKER: Order, order. I would ask Dr. Sanyal to give him freedom of speech, and not to interrupt him so much.

Mr. SYED BADRUDDUJA: This interruption, Sir, has thwarted my chain of argument.

Sir, let me not be misunderstood. During the last twenty years of my life in the various meetings that I have attended from time to time, I have ever pleaded for better understanding and deeper reconciliation between communities and communities and have always tried to pave the way for that intercommunal harmony and peace which is the cry in this much distracted, much agitated and much disturbed land of Hindusthan. Sir, often in my dream have I thought of Hindu-Muslim unity. I have been responsible in combination with my colleagues of the Muslim League in the Calcutta Corporation to effect unity between the Muslim League Group and the Forward Bloc though the latter has now been discarded and thrown overboard by the orthodox Congress. In the language of the Holy Quran we have invited the Jews and the Christians, Hindus and Sikhs—all classes and communities of India—to come to the clearest understanding and solve the serious problems of politics and administration that confront us even now. But, Sir, all our attempts have failed most miserably.

Sir, we do not for a single moment propose to encroach upon the rights and privileges of the great Hindu community. Nor is it our intention either to make any invidious inroads upon their sacred cultural tradition. It is only in the interest of self-preservation and protection of our rights, that we plead for a separate Muslim India. It is not for nothing therefore that the Muslims of India have been driven to the decision adopted at Lahore. It is not in Modern India alone that Hindus and Muslims have failed to solve the most baffling problems of Hindu-Muslim unity. In ancient India, too, the greatest thinkers like Kabir, Dadu and Nanak and the greatest Emperors and Administrators like Sher Shah and Akbar had to confess to a sense of disappointment and despair that this problem was insoluble. Even Europe to-day, in spite of her brag of civilization and culture, in spite of its tall talk of nationalism and internationalism, in spite of its League of Nations, Protocols and Conventions, could not adopt or frame a constitution for all Europe—acceptable to all the nationalities in the Continent. Despite a common religious, social, cultural and traditional background, Europe also to-day cannot present any picture

of unity. There are the German point of view, the Russian point of view, the French and the Italian and the English points of view and there is hardly any statesman of any vision or imagination to-day who can reconcile the divergent claims and the conflicting interests of the various nationalities of Europe that are tearing one another's throat at the present moment. While Europe failed in spite of its homogeneity of culture and religion, how could Hindus and Muslims of India with their sharp cultural, religious, social and traditional differences that divide them into water-tight compartments, realize the dream of an united India? The historical background is still more disappointing, and it has ever served as the most disintegrating force in the Indian political life. And yet it is proposed that a constitution framed on the widest franchise would meet the ends of justice and be acceptable to the Mussalmans of India. This is a proposal only to stifle, to thwart, the aspirations of Muslim India and to retard the progress of other minorities that inhabit our beloved land. Thus it is quite evident that pressure of circumstances, experience of the last few years in the Congress-governed provinces, historical causes and conditions have left no other choice to the Muslims but to adopt the course decided upon at the historic session at Lahore. (Cries of "Shame, Shame" from the Congress Benches.) Well, Sir, shame to those who cry shame. It redounds to the discredit of those who talk glibly of nationalism, of freedom and liberty, of Dominion Status, but have not the ordinary courtesy to accommodate the Mussalmans and other minorities of India. Sir, I am afraid, my friends opposite have misunderstood my point of view. The question of partition of India into separate zones would never have arisen but for the unsympathetic attitude of the majority community in India. If there were a real gesture from the Hindu community, the idea of Pakisthan might recede in the background.

There is another important consideration which should be taken into account in this connection. The Muslims are educationally and economically less advanced than the Hindus of India. Not till they come up to the same level there is every danger of their being utilised by others for political ends. Unless Mussalmans try to preserve a separate entity and maintain a cultural and political individuality there is no hope for them in India. Then about the question of the widening of franchise. I have very great doubts if further enfranchisement would be feasible at this stage, for, barely 7 per cent. of the people of Bengal are literate. Even now with millions of people already enfranchised the task of holding or conducting elections has become extremely difficult. Most of the voters themselves do not know their minds nor do they realize the implications of voting or franchise. They can be swayed by any gust of wind that blows, any appeal to emotion and passion. Hence to enfranchise a larger number of people would open the door for further complications.

Sir, I would not describe the historical causes and conditions, the forces and circumstances that have operated so harshly during the last 150 years and more upon the unfortunate Mussalmans of India. They were masters of the situation yesterday, dominating in every sphere of life and activity, contributing for centuries together so magnificently to art, architecture, music and painting, philosophy and polity of Hindusthan. One political cataclysm after another, revolution after revolution, shock after shock, one degrading legislative measure after another, have crushed us, have paralysed us, have pulverised us, have sucked us dry, bled us white and dragged us down from the height of eminence and glory to the depths of degradation and humiliation. But even at this stage when after a death-sleep of ages Mussalmans are waking up to the realities of life, our friends are trying to impose upon us a Constitution which will spell nothing but disaster to Muslim interests. However much Muslims strive, whatever might be the safeguards in any Constitution framed by a Constituent Assembly, the domination of the unsympathetic majority will never allow them to grow to their fullest stature. Let not my Muslim brethren therefore be misled or deluded into thinking that all is safe. Forces are wide awake to threaten their very existence. God overhead, we have to forge ahead and mobilise all our scattered forces to thwart the dangerous move of our "friends."

With these few words I oppose the resolution moved by my honourable friend, Mr. Maqbul Husain.

Dr. SURESH CHANDRA BANERJEE: Mr. Speaker, Sir, I am afraid I cannot support the resolution of my friend Mr. Maqbul Husain in its entirety. As a Congressman I am bound to put forward the Congress viewpoint. As regards the communal settlement I am bound to place before the House the resolution which was passed as regards this point at the last session of the Congress at Ramgarh. I shall read out to the House the whole resolution so that there cannot be any misunderstanding about it, as to how the Congress contemplates the solution of this complicated problem of the rights of minorities. The Ramgarh resolution is as follows:—

"The Congress is further of opinion that while it will always be ready, as it ever has been, to make every effort to secure communal harmony, no permanent solution is possible except through a Constituent Assembly where the rights of all recognised minorities will be fully protected by agreement as far as possible between the elected representatives of the various majority and minority groups or by arbitration if an agreement is not reached on any point."

I am sure any man with no bias, with no communal bias in his mind, will fully realise the justice of the solution that has been put forward by the Congress. No better solution can be possible. It must be a

solution settled by mutual agreement. In case a mutual agreement is not possible, it will be seen that it will be decided by an impartial tribunal. Nothing more satisfactory can ever be thought of. Unfortunately the resolution which my friend Mr. Maqbul Husain has put forward, if that resolution be put into action exactly as it stands, what would that mean? It would mean that the Sikh community will legitimately put forward a similar resolution; the Christian community will similarly put forward a similar resolution; the Anglo-Indian community in India may put forward a similar resolution, and the various Scheduled Caste communities in India also may put forward similar resolutions. And if every community thinks that it is the only final judge as regards its rights and interests, there will be no such thing as common rights in India and the whole of India will be vivisected into so many small communal groups. So no common nationalism will be possible and no common nationality will develop, whereas the Congress has been striving for the development of a united independent India. If the resolution is actually accepted, then no such united independent India can ever develop. So, I am sorry though I agree with him in regard to other parts of the resolution combined with the amendment put forward by my esteemed friend, Syed Jalaluddin Hashemy, I have to differ from him on this point, and it is with great reluctance I have to put forward this viewpoint. In view of what I have said, I hope, Sir, Mr. Maqbul Hosain will accept my suggestion.

Dr. SYAMAPRASAD MOOKERJEE: Sir, I have been wondering whether the resolution which my friend Mr. Maqbul Husain has moved to which an amendment has been proposed by Mr. Jalaluddin Hashemy is to be taken very seriously. At the same time, Sir, there are certain aspects relating to the resolution which have been raised before the House to which reference must be made. In the first place, Sir, attention has been drawn by Dr. Suresh Chandra Banerjee to the latter portion of Mr. Maqbul Husain's resolution. The latter portion says that although there will be a Constituent Assembly elected on the basis of adult franchise, it must be left to the representatives of one particular community in India to decide what their future is going to be. Sir, I can understand the position, the point of view taken up by my friends to the left, but I am afraid, Sir, I cannot appreciate the position of my nationalist Mussalman friends. If it is going to be a Constituent Assembly representing the interests of all political parties and of all important communities in the country, then obviously that Constituent Assembly must be fully trusted to do its work in larger national interests. So far as the rights of minorities are concerned, there are other countries where minority interests have been raised. There are accepted principles on which minority questions have been decided, and the minority questions in India have also to be settled

according to those well-established principles. I also heard with some amount of attention the speech of my friend Mr. Badrudduja and I congratulate him on the eloquence with which he has put his point of view before the House. He has described himself as one of those responsible for the working of the League-Bose Pact in the Calcutta Corporation. I do not know, Sir, whether the representatives of the Bose Party, the Forward Bloc Party, to which reference was made by my friend, will endorse his point of view and welcome his attitude towards the future Constitution of India. But, Sir, the main point which I have not been able to appreciate is this. My friend says that the tyranny of an unsympathetic majority has become a matter of deep concern to the Mussalmans of India. (Cries of "Certainly" from the Coalition Benches.) Certainly! That is endorsed by another friend whom I have not been able to see. The charges have yet to be proved. But I repeat the same sentiment as one belonging to the minority community in Bengal, and I say emphatically that we have become positively intolerant of the unsympathetic majority in this province. Any impartial enquiry will prove this to the hilt. I shall say also that so far as Bengal is concerned, there can be no question for a moment of any special rights and privileges for the majority community. If my friends to the left are sincere, are genuine, in their demand (A VOICE: "All of us are") that the majority community in India must not be allowed to dictate the future Constitution of this country, so far as the interests of the minority community are concerned. I say, Sir, with due emphasis that we Hindus of Bengal will not accept any Constitution which is left at the mercy of Mussalmans of Bengal. Why do I say so? I say this because——(A VOICE: "*Buhut Achha.*") Yes, *Buhut Achha*, I am very glad that my remarks have found such a ready endorsement from my honourable friend over there, because, I believe, he is a very reasonable and sympathetic listener. The reason why I say so is this. During the last three years, we have passed through a tremendous ordeal and we feel that when the time comes for the revision of the Constitution, the rights, the legitimate rights and interests, of the minority of this province, have to be properly protected. The Communal Award which was not a gift of the Mussalmans to this country, but was engineered by the British Government for its own purposes, and for crippling the Hindus, must be taken off the Statute Book. In any event, Sir, so far as the Award affects the Hindus of Bengal to whom deliberate injustice was done for reasons which are well known, that portion of the Communal Award must be taken out. Sir, my position is this, if Hindus and Mussalmans desire to look upon national problems from a common national point of view, I do not raise the question of Mussalmans and Hindus. We are prepared to face the future Constitution as brothers, as Indians leaving the question of minority interests to be settled in accordance with well-established

principles. On the other hand, if the claim is made by the Mussalmans that they must have special protection and they must have separate treatment, because they belong to a minority community, I say, Sir, that they have no right to dictate as to what is going to happen to the future Constitution of Bengal where they are in a majority. Sir, where is the province in India where the majority community has been given special rights and privileges? Where is that province except those where Moslems are in a majority? Why this favouritism? So far as this province is concerned, if any rights and privileges have to be protected, they must be provided for the minority communities. (A VOICE: "You have already usurped everything." ANOTHER VOICE: "Take your India into consideration.") I am taking my India into consideration, and I am asking you to forget your Pakistan. Think of India as your motherland, and we are all one. But so long as you want to divide India and want to say that this is Hindu India and this is Muslim India, surely as a Hindu I must say that I must have my fullest rights maintained and established. Sir, I say this in all seriousness that we are passing now through a tremendous crisis, and it is a matter of the deepest regret that even now when we are in the midst of a devastating war, the policy which is being pursued by the present Ministry is deliberately anti-Hindu in character. (Cries of "Question, question" from the Coalition Benches.) When my friends say "Question" they merely challenge truth. That prompts me to give one illustration only, which would have formed the subject matter of discussion in the adjournment motion yesterday. What about this new principle of recruitment to public services? Under what conditions, Sir, may I ask, is it open to the Bengal Government to say that with regard to any post reserved for Muslims, if Mussalmans from Bengal are not available——

Mr. DEPUTY SPEAKER: Dr. Mookerjee, you please confine yourself to the resolution under discussion.

Dr. SYAMAPRASAD MOOKERJEE: I am glad to find, Sir, that the Secretary has prompted you. I was questioned by several speakers and you don't think it necessary for me to answer them!

Mr. FAZLUR RAHMAN: On a point of order, Sir. Is Dr. Mookerjee in order when he said that the Secretary prompted you?

Mr. DEPUTY SPEAKER: I didn't hear him say that.

Dr. SYAMAPRASAD MOOKERJEE: Sir, what I meant was that the Secretary drew your attention that I was going out of order.

Mr. DEPUTY SPEAKER: Secretary might have prompted me, but you should not say that.

Dr. SYAMAPRASAD MOOKERJEE: Then, I wont't say it, Sir. Sir, you have called me to order because I was referring to certain things done by the present Bengal Government, but when my friend over there was roaming throughout the length and breadth of the country criticising the policy and work of the Hindus, extolling Mr. Jinnah and bringing back Mr. Mohammad Ali and various other people and alleging that Muslim interests had been deliberately neglected, he was not called to order. But if I simply say that even now from day-to-day administration it is clear——

Mr. FAZLUR RAHMAN: On a point of order, Sir. Dr. Mookerjee is reflecting on the Chair, and I would request the Chair to ask Dr. Mookerjee to order.

Dr. SYAMAPRASAD MOOKERJEE: I made no reflection on the Chair, but simply stated in similar circumstances previous speakers were not called to order.

Mr. DEPUTY SPEAKER: Whether I occupied the Chair or anybody else, the Chair is there. (Laughter.)

Dr. SYAMAPRASAD MOOKERJEE: The point which I was developing was this: We are not prepared to accept the principle that the majority community will decide what is going to be done for the minority community of Bengal for we have felt during our experience of the last three years——(Mr. SHAH SYED GOLAM SARWAR HOSAINI: গত তিন বৎসর ধরে হিন্দুরা একেবারে বাংলাদেশ থেকে উচ্ছেদ হোয়ে গিয়েছে !!) You are now very nervous because your conscience is bitting you. I know that very well. As I was saying, Sir, we have felt during the last three years that the administration had been carried on in a manner which had been deliberately aimed at curtailing the rights and interest of the Hindus. I am prepared to prove this to the satisfaction of all reasonable persons. That is perfectly in order, and as an illustration I was going to state that one easily understands the motive which has prompted the Ministry to have a new rule providing for——

(There was an uproar at this stage.)

The Hon'ble Mr. A. K. FAZLUL HUQ: All that is irrelevant——

(Renewed uproar.)

Mr. P. BANERJEE: On a point of order, Sir. Is the Hon'ble the Chief Minister in order in interrupting Dr. Mookerjee?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I rose on a point of order. Dr. Mookerjee in his speech is referring to a certain adjournment which would have been moved, but has not actually been moved. The House does not know what answer Government had to give to the statement made in that not-moved adjournment motion. I do not think that it was proper on the part of Dr. Mookerjee to refer to that matter. It was utterly irrelevant.

Mr. SPEAKER: Order, order. I have not heard what took place. I shall give my decision as soon as I have heard it.

Dr. SYAMAPRASAD MOOKERJEE: Sir, the point which I was developing was this. I was saying that my friend over there made out a case that the Muslims were not prepared to leave the future Constitution of India to be determined by the majority community and the language which I quoted from his speech was that they had suffered too long from the tyranny of Hindu majority. What I was saying was that in this province the Muhammadans are not in a minority and that the Hindus are. Apart from the soundness or otherwise of any abstract principle propounded by the previous speakers from the experience the Hindus have received generally during the last three years I am in a definite position to assert that the Hindus of Bengal will not accept any Constitution which will be decided by an unsympathetic majority under the tyranny of which we have been made to live during the last three years. When I made that statement, there were shouts of "Question, question" from many of my friends, and I gave only an illustration to show how that tyranny is continuing even at a time when a devastating war is spreading throughout the length and breadth of Europe and may affect India at any moment. The recent change in the policy of recruitment is the example I gave and then the Hon'ble Deputy Speaker called me to order, saying that I cannot refer to it. When a reference was made by my friend over there to alleged injustice done by the Hindus throughout India to Muslims he was not called to order by you and when I pointed out this fact, the Hon'ble the Chief Minister got up and said that it was irrelevant.

Mr. SPEAKER: So far there has been no disorder.

Dr. SYAMAPRASAD MOOKERJEE: I believe, Sir, that a resolution like this should not be discussed on the floor of this House at this stage. This is not the time when we should carry any resolution of this description which is bound to give rise to considerable feelings from

all sides; and that is the reason why I have pointed out that when the time comes for taking up the future Constitution of India, either the Muslims must agree to looking upon themselves as sons of India (Cries of "Never, never" from the Coalition benches) (Laughter from Congress benches), or if the Muslims regard themselves as belonging to a separate nation, then naturally, Sir, it will be open to the Hindus of India—of Bengal and other provinces—to see how the future Constitution should be drafted in a manner which will be in the best interest of their motherland, because the Hindus have no other place to live in; they cannot go to any other place; they have to live in India and they have to die in India. We Hindus of Bengal believe that we have suffered for a long time, we have allowed ourselves to be subjected to the tyranny of majority oppression. But we are not going to tolerate this any longer. Sir, throughout the length and breadth of the province a new movement is rising which will make the interests of the Hindus felt. If we cannot get justice by legitimate means, it will be our bounden duty to resort to every possible form of obstruction and agitation for the purpose of safeguarding our rights and privileges. (Loud cheers from the Congress benches.)

(The House was then adjourned for 20 minutes.)

(After Adjournment.)

Srijut NARENDRA NATH DAS GUPTA: মি: স্পীকার স্যার, আজ যে প্রস্তাব মৌলবী মকবুল হোসেন সাহেব উপস্থিত কোরেছেন সে সম্পর্কে যে আলোচনা এই এসেম্বলী হাউসে হোচ্চে সেই আলোচনার মধ্য দিয়া একটা কথা সব চেয়ে বেশী আমার মনে জাগছে,—সে কথাটা হোচ্চে এই যে আমেরিকায় দাস ব্যবসা রহিত করার জন্য যখন অন্তবিপ্লব উপস্থিত হয়েছিলো, সে সময় সেখানকার কৃতদাস নিগ্রোদের পক্ষ থেকে অনেকে আপত্তি তুলেছিলো যে নিগ্রোরা স্বাধীনতা লাভ কোরতে পারে না; যদি করে তাহলে তাদের স্বার্থ বিপন্ন হবে। আজ কোয়ালিশন পার্টির মোস্লেম লীগ দলের কয়েক জনের বক্তৃতায় সেই ভাষাই ফুটে উঠেছে যে আজ ভারতবর্ষের যদি স্বাধীনতা লাভ হয় তাহলে মুস্লিম স্বার্থ বিপন্ন হবে। আমি জানি না,—যারা একথা বোল্‌ছে তারা মুসলমান সম্প্রদায়ের প্রতিনিধি কি না। তার কারণ মুসলমান সম্প্রদায়ের অর্দ্ধেকের বেশী তাদের প্রতিনিধিত্বের দাবি অস্বীকার কোরেছেন। আজাদ্ কনফারেন্স, মোমিন কনফারেন্স প্রভৃতি তাদের প্রতিনিধিত্বের দাবি অস্বীকার কোরেছেন। কাজেই তাঁরা মুসলমানদের পক্ষ হোয়ে যদি কোন কথা বলেন বা মত প্রকাশ করেন সেটাকে মুসলমানদের দাবি বা মত বোলে গণ্য করার কারো কোন অধিকার নাই, এবং তা কোরলে মুসলমান সমাজের প্রতি অবিচার করা হবে। কিন্তু একটা বিষয়ে আমি তাদের প্রশংসা না কোরে পারছি নে, সেটা হোচ্চে এই যে—তাঁরা অন্তরের সঙ্গে তাঁদের নিজের অভিমত ব্যক্ত কোরেছেন এবং সে অভিমত ব্যক্ত করার সঙ্গে সঙ্গে তাঁরা একথাও বোলেছেন যে তাঁরা ভারতবাসী নন,—বিদেশী। আমি জিজ্ঞাসা কোরতে চাই—তাঁরা কি ভারতবাসী না বিদেশী? (A

member of the Coalition Party: আমরা ভারতবাসী।) বেশ কথা, যদি তাঁরা ভারতবাসী হন তা'হলে তাদের কাছে জিজ্ঞাসা কোরতে চাই—এই অখণ্ড ভারতকে ছিন্ন বিচ্ছিন্ন করার কথা ভারতবাসী হোয়ে কি কোরে আপনাদের মনে আসে? এবং সঙ্গে সঙ্গে আরো জিজ্ঞাসা কোরতে চাই,—আজ ভারতকে শতধা বিচ্ছিন্ন কোরে ভারতকে সর্বনাশ করার পথে নেবার এই যে দুশ্চেষ্টা এটা কি ভারতবাসীর পক্ষে গৌরবের না কলঙ্কের? তাঁরা আরো বোলছেন—ভারতবর্ষে এই যে স্বাধীনতার কথা, ডোমিনিয়ন ষ্টেটাসের—বা ঐ রকম আরো যে সমস্ত সমস্যা উঠেছে এবং সে সমস্ত বিষয়ের সমাধানের জন্য constituent assemblyর প্রস্তাব উঠেছে,—যে প্রস্তাব সম্পর্কে আজ এখানে আলোচনা চোল্‌ছে, তারা সে প্রস্তাব সম্পর্কে বোল্‌ছেন যে ভারতবর্ষে democracy চোল্‌তে পারে না, কাজেই ভারতবর্ষে constituent assembly অচল। কিন্তু তাদের আমি এই কথা জিজ্ঞাসা কোরতে পারি কি?—ভারতবর্ষে যদি ডিমোক্রাসী না চোল্‌তে পারে, তবে তথাকথিত ডিমোক্রাসী অনুসরণ কোরে বর্ত্তমান যে শাসনতন্ত্র প্রবর্ত্তিত হোয়েছে, কেন তাঁরা সেটার সংস্পর্শ থেকে দূরে থাকেন না? তবে কেন তারা এই নকল ডিমোক্রাসীকেই যথেচ্ছাভাবে চালিয়ে নিয়ে বাংলা দেশের আকাশ বাতাসকে সাম্প্রদায়িক বিষে বিষাক্ত করবার জন্য বদ্ধপরিকর হোয়েছেন? আরো কথা হোচেচ এই যে তাঁদের এক বক্তা বোলেছেন যে হয় বৃটিশ গভর্ণমেণ্টের অনুগ্রহে আমাদের মধ্যে রফা হোয়ে একটা কিছু হবে, নয়তো যদি বৃটিশ গভর্ণমেণ্টের উচ্ছেদ সাধন হয় ও ইংরাজ ভারতবর্ষ থেকে চোলে যায়, তাহলে আমাদের অন্তর্বিপ্লবের মধ্য দিয়ে সমস্যার সমাধান হবে। আমরা মিলিত হয়ে স্বাধীন ভাবে কোন মীমাংসা কোরবো না। আমি জিজ্ঞাসা করি—এর চেয়ে দাসত্ব আর কি হোতে পারে? যে বৃটিশ প্রভুদের আওতায় এবং অনুগ্রহে আজ তাহাদের হিন্দুদের উপর লাঞ্ছনা ও উৎপীড়নের যে সুযোগ বিদ্যমান সেই প্রভুদের উচ্ছিষ্ট ভোজনই তাহাদের ভবিষ্যতেরও সম্বল হবে; একথা যারা বোল্‌তে পারে, তারা কৃপার পাত্র ছাড়া আর কিছুই নয়।

যদি বৃটিশ গভর্ণমেণ্ট এখানে না থাকে, আর আমাদের স্বাধীনভাবে দাঁড়াতে হয় তাহলে কি হিন্দু, মুসলমান, খৃষ্টান প্রভৃতি যত জাতি এখানে আছি সকলে মিলে স্বাধীন জাতির মতন দাঁড়াতে পারবো না? তখনো কি মুসলিম লীগকে সুযোগ দেবো যে তারা নিঃসঙ্কোচে বল্‌তে পারবে "আমাদের মুসলমানদের দাবি যদি না মানা হয় তাহলে অন্তর্বিপ্লবের দ্বারা ভারতবর্ষের স্বাধীনতার পথ রুদ্ধ কোরবো, ভারতের শান্তি ও শৃঙ্খলা ভেঙ্গে দেবো," এই রকম ভাবে যারা চোখ রাঙাতে পারে—তারা জাতির শত্রু না মিত্র? আমি তাদের বোলে দিচ্ছি অত বড় ব্রিটিশ সিংহের ভ্রূকুটিকে অগ্রাহ্য কোরে যারা স্বাধীনতার পথে ছুটে চোলেছে, সেই ইংরেজ প্রভুর আওতায় বর্দ্ধিত শৃগালদের শূণ্যগর্ভ আস্ফালনে তারা টোল্‌বে না; সেই জন্য আমি বোলছি তারা এরূপ মনোভাব পরিহার করুন।

তারপর আমার বন্ধু বোলেছেন হিন্দু মুসলমানের মধ্যে বোঝা পড়ার কথা এবং সে সম্পর্কে কংগ্রেসকে টেনে এনেছেন। কংগ্রেস হিন্দুরও নয়, মুসলমানেরও

নয়, কংগ্রেস হিন্দুর পক্ষ হোয়ে কথা বলবার অধিকার কখনো দাবি করে না। কংগ্রেস দাবি করে—হিন্দু, মুসলমান, খৃষ্টান সকলের পক্ষ হয়ে কথা বলবার। কিন্তু আমি এখানে বোল্‌ছি—হিন্দুর পক্ষ থেকে কথা, কংগ্রেসের পক্ষ থেকে বোল্‌ছি না। আমি হিন্দুর পক্ষ থেকে বোল্‌ছি—যারা ভারতবর্ষকে নিজের মাতৃভূমি মনে করে, ভারতবাসীর সেবাকে নিজের জাতির সেবা বোলে মনে করে সে যে কোন সম্প্রদায়ের বা যে কোন জাতির হোক না কেন তাকে আমি ভাইয়ের মতন সর্ব্বপ্রকার রাষ্ট্রীয় ও নাগরিক অধিকার দিয়ে কোলে টেনে নেবো। আর যদি কেউ চোখ রাঙিয়ে হিন্দুদের দাবিয়ে দেশের মধ্যে অশান্তি আন্‌বার বিভীষিকা দেখিয়ে অধিকতর সুবিধা আদায় কোরতে চায়, তাহলে তাদের সেই কৃতকার্য্যের ফলে ও অন্যায় প্রচেষ্টাকে চূর্ণ করে যেভাবে শিবাজীর উদ্ভব হয়েছিল ঠিক সেই ভাবেই ভারতবর্ষে মুসলীম লীগের অপচেষ্টাকে পদদলিত করে হিন্দুর রাষ্ট্রাধিকার প্রতিষ্ঠিত হবেই হবে। কাজেই আজ আমি বোলছি—ভাই মুসলমান এই দুঃস্বপ্ন—পাকিস্থানের দুঃস্বপ্ন ছেড়ে দিয়ে স্বরাজের কথা ভাবো। হিন্দু মুসলমান, খৃষ্টান সকলে মিলে ভারতীয় জাতি গোড়ে তুল্‌বার বিষয় চিন্তা কর। পাকিস্থানের দুঃস্বপ্ন অচিরেই ভেঙে চুরমার হয়ে যাবে। সে স্বপ্ন চোল্‌তে পারবে যতদিন এখানে ইংরেজ প্রভুদের অধীনে communal awardএর বন্দোবস্তের পোষা জীবের মতন থাকবে। আর যেদিন সেই প্রভুরা দূর হোয়ে যাবে—এবং তাদের সঙ্গে সঙ্গে communal awardও উঠে যাবে সেদিন পাকিস্থান বা অন্যান্য সুবিধা আদায়ের দুঃস্বপ্ন আপনিই চোলে যাবে। আর যদি অশান্তি আনবার দুরাকাঙ্খা থেকে থাকে সে শুধু নিজেদের লাঞ্ছনায় ও দুর্দ্দশাতেই পর্য্যবসিত হবে। (A member of the Coalition Party: বলিহারি!) ভাই এ ঠাট্টার কথা নয়, হাস্‌বার কথা নয়। আপনারা অন্তর্বিপ্লবের বিভীষিকা দেখ্‌ছেন, সেই বিভীষিকা দেখানর বিপদ থেকে আপনাদের মুক্ত করার জন্য বোল্‌ছি,—একথা জেনে রাখ্‌বেন যদি কোন minority সম্প্রদায় অন্তর্বিপ্লবের ভয় দেখায়,—যেমন আপনারা ভারতবর্ষের হিন্দুদের অন্তর্বিপ্লবের ভয় দেখাচ্ছেন তাদের দমন করার শক্তি আমরা রাখি। জিজ্ঞেস কচ্ছি আজ খৃষ্টানগণ যদি অন্তর্বিপ্লবের ভয় দেখায় বাংলা দেশে,—মাননীয় ফজলুল হক সাহেব কি উত্তর দেবেন? যদি হিন্দুরা অন্তর্বিপ্লবের ভয় দেখায় Hon'ble Chief Minister কি উত্তর দেবেন? তিনি কি এই উত্তর দেবেন না আমি হিন্দু মুস্লিম নিরপেক্ষ হোয়ে——

Maulvi MUHAMMAD ISRAIL: On a point of order, Sir. Is the honourable member's speech relevant to the subject matter under discussion?

Mr. SPEAKER: I am afraid, the honourable member is not speaking to the point, and I entirely agree with the point of order that has been raised. We are not at all discussing either revolution or constitution, but we are discussing whether there should be a Constituent Assembly or not.

Shijut NARENDRA NATH DAS GUPTA : স্পীকার মহোদয়ের point of order স্বীকার কোরে একটা কথা বোলছি। মুস্লিম লীগের অনেক বন্ধু আমাদের ভয় দেখিয়ে অনেক কিছু বোলেছেন। আমি সেই জন্য (Mr. SPEAKER : আপনিও একটু ভয় দেখিয়ে দিন তাহলেই হোয়ে যাবে।) মি: স্পীকার আমি এখানে জানিয়ে দিতে চাই যে তারা ভয় দেখালেই আমরা ভয় পাবো না। এবং কোন প্রকার উৎপাত সৃষ্টি কর্ত্তে চান্ তার প্রতিকার করার সামর্থ্য রাখি।

এখন কথা হচেচ এই যে বর্ত্তমানে যে সমস্যা আমাদের সাম্নে এসেছে, এই যে সমস্ত জগদ্ব্যাপী ভাঙ্গা-গড়া চোল্‌ছে—বলা চলে না কাল কোন জাতির ভাগ্যে কি হবে। তাই এই মুহূর্ত্তেই আমাদের বেছে নিতে হবে আমাদের ভবিষ্যৎকে আমরা কি কোরে গোড়ে তুলবো। সকল সম্প্রদায় মিলিত হয়ে স্বরাজ প্রতিষ্ঠা করে না, অন্তর্বিপ্লবের মধ্যে সম্প্রদায় বিশেষের রাজত্ব প্রতিষ্ঠা করে? সে অবস্থায় নিশ্চয়ই আমরা হিন্দুগণ মুসলিম রাজ প্রতিষ্ঠা কর্ত্তে দিব না। আমার বন্ধুবর বদরুদ্দোজাহা সাহেব বোলেছেন—মুসলমানদের মধ্যে হিন্দু জাতির কেউ যদি mass contact কোরতে আসেন, তিনি সেটা সহ্য কোরবেন না। এবং সঙ্গে সঙ্গে এও বোলেছেন যে Scheduled Castesদের জন্য তাঁদের অনেক দরদ আছে,—তাদের জন্য তাঁরা সব কিছু কোরবেন। যখন তাঁরা নিজেদের হিন্দুদের থেকে সরিয়ে রাখতে চান তখন সঙ্গে সঙ্গে Scheduled Castesদের নিজেদের দিকে টান্‌ছেন কেন? Scheduled Castesরা কি হিন্দু নন? তাঁকে জিজ্ঞাসা কোরছি—যদি তাঁদের এই পাকিস্থান পরিকল্পনা বাস্তবে পরিণত হয় তাহালে বন্ধুবর মুকুন্দ বাবু ও তাহার সমর্থকগণ থাক্‌বেন কোথায়? সেই পাকিস্থানে, না তাদের জন্য আর একটা অচ্ছুৎস্থান হবে? তখন তাদের গতি হবে কোথায়? আজ যাঁরা নাকি পাকিস্থানের কল্পনা করেন এবং আর যারা নাকি হিন্দু হোয়েও তা সমর্থন করেন তাদের দশা যে কি হবে—সে সিদ্ধান্ত অবশ্য তারাই কোরবেন।

তারপরে কথা হচেচ এই যে—যে resolutionটা আমাদের সম্মুখে উপস্থিত হোয়েছে সে সম্বন্ধে আমরা এই কথা বোল্‌তে চাই যে সে প্রস্তাব আমরা সমর্থন কোরতে পারি না। পারি না এই জন্য যে আমরা বিশ্বাস করি—শুধু ভারতবর্ষেই নয় পৃথিবীর প্রত্যেক minority communityর তাদের ধর্ম্ম ও সংস্কৃতি নিয়ে বেঁচে থাকার অধিকার আছে কিন্তু এর বেশী কোন প্রকার বিশেষ রাষ্ট্রীয় অধিকারের দাবী কোন minority কর্ত্তে পারে না। তারপর ধর্ম্ম ও সংস্কৃতি বাদ দিলে ভারতবর্ষে হিন্দু মুসলমানের মধ্যে জাতিগত পার্থক্য কি? হিন্দুও ভারতবাসী, মুসলমানও ভারতবাসী। হিন্দুরও এখানে যে অর্থনৈতিক ও রাজনৈতিক অধিকার, মুসলমানের এবং খৃষ্টানেরও সেই অর্থনৈতিক ও রাজনৈতিক অধিকার। ধর্ম্ম ও cultureএর কথা বাদ দিলে হিন্দুরও যে স্বার্থ মুসলমানেরও সেই স্বার্থ, তখন আর তাদের কি পার্থক্য আছে? (A coalition member : আমাদের যা বল্‌বার তা খোলাখুলি ভাবেই বলি।) সেই খোলাখুলিভাবে যা কিছু কোরতে বা বোলতে হবে—সেটা হোতে পারে মাত্র সেই cultureএর religion সম্বন্ধে; কিন্তু তার পরিবর্ত্তে যদি কেউ একথা

বলে—আমাদের সুবিধার খাতিরে—বাংলার হিন্দুদের ধ্বংস কোরবো, U. P.তে থাকসুদের দিয়ে কংগ্রেস্ গভর্ণমেণ্টের উচ্ছেদ কোরবো, অর্থাৎ যেখানেই মুস্লিম লীগকে minority হওয়া সত্তেও কর্ত্তৃত্ব কর্ত্তে না পারায় অসুবিধার সম্মুখীন হোতে হবে—সেখানেই তারা ঐরূপে উৎপীড়ন কোরবেন, এবং যদি উৎপীড়ন কোরে কোরেই নিজেদের অধিকার বজায় রাখার চেষ্টা চলে, তাহালে ভারতবর্ষের অখণ্ড স্বাধীনতার পক্ষে তারা কণ্টক স্বরূপই হবেন; কিন্তু একথাও সঙ্গে সঙ্গে বোলে রাখছি,—এতকাল ধোরে অখণ্ড ভারতের স্বাধীনতার উপাসক আমরা সমস্ত কণ্টককে উত্তোলিত কোরে স্বাধীনতার পথে অগ্রসর হবোই হবো।

Mr. AHMED HOSAIN: Mr. Speaker, Sir, I rise to oppose this resolution. The mover of the resolution has made a serious mistake. Most of the members of his party, I think, subscribe to the resolution that has been passed in the Azad Conference held recently at Delhi. That Conference passed a resolution to the effect that the safeguards which are to be devised must be devised by Muslim members elected on separate electorate. He has omitted to mention even that. By that omission he has made the situation so diffiuclt that the members of his own party will not be able to support the resolution, because even in their view any safeguard which has got to be devised must be devised by the real and genuine representatives of the Muslims. Unless the Muslims are represented by Muslims returned on separate electorate and not on joint electorate basis, because in that case they will be mere creatures of the Hindu community, the Azad Muslims even cannot agree to a proposal like this. Joint representation in the present circumstances mean nothing but nomination by the majority comniunity. The majority community will only elect those members who will respond to their wishes. I think in that respect the mover has made a serious mistake.

There is another point. No Constitution in India is possible which is devised by a sheer majority and not by agreement. If you carry things by sheer majority without satisfying the minority community, no Constitution will be acceptable in India. On the other hand, if you want to devise a Constitution by agreement, then the chief thing that is necessary is that both the communities must be represented by their accredited leaders. In the present circumstances the mentality (I do not insinuate things but speak out my experience) of the majority community is such that they do not want to have men in whom the minority community have faith. We want Mr. Jinnah but they say "Mr. Jinnah is not your leader; Sir Sikander Hyat Khan is your proper leader, go behind him and follow him". The majority want to create leaders for minority. I think for any sort of agreement the majority community must give up that mentality and unless they do that no agreement and no Constitution will be possible.

With these few words I oppose the resolution moved by my friend Mr. Maqbul Hosain.

Maulvi MD. MOZAMMEL HUQ: মাননীয় সভামুখ্য মহোদয়, আপনার অনুমতিক্রমে, আমাদের বিরুদ্ধদলভুক্ত বন্ধু মৌলবী মক্‌বুল হোসেন—Constituent Assembly ভারতে প্রতিষ্ঠা করবার জন্য এক প্রস্তাব আনিয়াছেন। তাহা লইয়া ইতঃপূর্ব্বে যথেষ্ট আলোচনা হইয়া গিয়াছে। আমার শ্রদ্ধেয় বন্ধু মৌলবী সৈয়দ বদরুদ্দোজা সাহেব ঠিকই বলিয়াছেন—"Unsympathetic tyranny of Hindu majority in India আমরা এখন আর কিছুতেই সহ্য করবো না।" মুসলমান এখন জাগ্রত হইয়াছে—তাহারা আর আগের মতন এখন ঘুমন্ত নাই, তাদের চক্ষুতে ধূলা দিয়া majority Hindu Community এখন আর কোন স্বার্থ সিদ্ধি করিতে পারিবে না—তাহাদের আজ আর সে শক্তি নাই। মুসলমানদের সঙ্গে বোঝাপড়া করিয়া—পাকাপাকি বন্দোবস্ত করিয়া যাহাই হউক হইতে পারে। এবং এই সম্পর্কেই আমার বন্ধুবর বলিয়াছেন, "unsympathetic tyranny of Hindu majority in India" সেই সূত্র ধরিয়া ডাঃ শ্যামাপ্রসাদ মুখার্জি বলিয়াছেন—এই কথা,—এই unsympathetic tyranny of majorityর কথা এখানে এই বাংলাদেশ সম্বন্ধেও খাটে। বাংলাদেশে মুসলমান majority, হিন্দুরা minority—এখানে সেই হেতু সংখ্যাগরিষ্ঠ মুসলমানেরা tyranny করিয়া করিয়া সংখ্যাল্প হিন্দুদের পিষিয়া মারিতেছে; সেই জন্য বাংলায় কোন আইন-কানুন বা শাসনতন্ত্র প্রবর্ত্তিত হইলে হিন্দুরা তাহা কিছুতেই মানিবে না। যেহেতু মুসলমানেরা বাংলাদেশে majority, সেই জন্য তাহাদের অত্যাচারে হিন্দুগণ ত্রাহি ত্রাহি ডাক ছাড়িতেছে—(Dr. NALINAKSYA SANYAL: শুধু ত্রাহি ত্রাহি নয়, ত্রাহি মধুসূদন!) এটা আমাদের মুসলমানদের উপর মুসলমান সমাজের উপর—কোয়ালিশন পার্টির উপর এবং মুসলমান মন্ত্রী-মণ্ডলীর উপর খুব একটা বড় রকমের অভিযোগ,—বিরাট—বিশাল অভিযোগ। সেজন্য এই অভিযোগ সম্পর্কে আজ আমি একটু বিশদভাবে বলিতে চাই এবং যুক্তি-প্রমাণ দ্বারা দোষ কাহার তাহা দেখাইতে চাই। সভামুখ্য মহোদয়, আপনি দয়া করিয়া আজ শীঘ্র ঘণ্টাটা বাজাইবেন না! (Laughter.)

এই যে আমাদের মুসলমান জাতির উপর একটা এত বড় কলঙ্ক আরোপ করা হইয়াছে যে তিন বৎসর ধরিয়া আমরা বাঙ্গলায় হিন্দুদের পিষিয়া মারিতেছি, এটা আমি fact and figure বা যুক্তি-প্রমাণ দিয়া এই এসেম্বলির সাম্নে আজ দেখাইতে চাই যে, হিন্দুরাই অত্যাচার করে, না মুসলমানরা অত্যাচার করে। এ বিষয়টা আমাদের জাতির তরপ থেকে fact and figure বা যুক্তি-প্রমাণ দিয়া উদ্‌ঘাটন করিয়া দেখাইবার আমার অধিকার আছে। এবং যদি আমি সেটা আজ না দেখাই তাহা হইলে কল্যই বড় বড় অক্ষরে হিন্দু কাগজে ছাপা হইয়া যাইবে যে, মুসলমানেরা তিন বৎসর ধরিয়া আমাদের হিন্দু minorityকে অত্যাচারের উপর অত্যাচার করিয়া পিষিয়া মারিতেছে—আমরা তাহাদের শাসন মানিব না, মানিব না,

মানিব না।" প্রথমতঃ আমি এই কথা বলিতে চাই যে, আমরা মুসলমানেরা বাঙ্গলার হিন্দুদের উপর আদৌ অত্যাচার করি না, এটা যদি fact and figure বা যুক্তি প্রমাণ দিয়া দেখাইতে পারি, এবং তাহা সত্বেও যদি তারা ত্রাহি ত্রাহি ডাক ছাড়ে তাহাতে আমাদের কোন দোষ নাই এবং তাহাতে আমাদের কিছু আসে যায় না। এখন আমি এক একটা করিয়া খুলিয়া দেখাইতেছি। (Laughter.)

প্রথমে আমি বরিশালের কথাই বলিব। ১৯২৭ সালে বরিশাল ডিষ্ট্রিক্ট বোর্ডের আমি যখন প্রথম মেম্বর হই, তখন চেয়ারম্যানকে আমি একটা প্রশ্ন দিয়াছিলাম—"যে বোর্ডের হিন্দু ও মুসলমান employee বা কর্ম্মচারীদের ভিতর কাহাদের সংখ্যা কত—আমি positively বা নিশ্চিতরূপে তাহা জানিতে চাই।" বরিশালে মুসলমান শতকরা ৭১ জন আর হিন্দু শতকরা মাত্র ২১ জন, অথচ আমরা ডিষ্ট্রিক্ট বোর্ডে যাইয়া দেখি যে, প্রায় সব কর্ম্মচারীই হিন্দু। সেই ১৯২৭ সালে মুসলমানদের প্রতিনিধি হিসাবে আমি যখন জেলা বোর্ডে যাই তখন আমার বেশ মনে আছে আমার সেই প্রশ্নের ফলে আমি জানিতে পারি—যে ৩৩১ জন employee বা কর্ম্মচারীর ভিতর সেই সময় মুসলমান মাত্র 52 অর্থাৎ বাহান্ন জন ছিল।

Mr. ATUL KRISHNA GHOSE: May I rise on a point of order, Sir? My point is this, that when Dr. Syamaprasad Mookerjee was going to criticise the policy recently adopted by Government with regard to recruitment to the services from outside Bengal, you did not allow him to discuss that point. May I know, Sir, how is the present speaker relevant when he is discussing the same question of communal ratio in the services?

Mr. SPEAKER: He is only discussing the general principles and not criticising them.

Dr. NALINAKSHA SANYAL: তাহলে আপনি এখন আবার বরিশালে ফিরে যান।

Maulvi MD. MOZAMMEL HUQ: বরিশাল থেকে আমি মুর্শিদাবাদে যাবো, এবং সেখান থেকে আবার কলিকাতায় আসবো। ওদিকের ভদ্রলোকদের তরফ হইতে মুসলমানেরা অত্যাচারী বলিয়া দাবি করা হইয়াছে। আমি তীব্রস্বরে তাহার প্রতিবাদ করিয়া বলিতেছি, মুসলমান কখনো অত্যাচারী নয়। তারা অত্যাচারী কিছুতেই হইতে পারে না—তারা শান্তিপ্রিয় এবং তারা শান্তি চায়। জগতে শান্তির বার্ত্তা প্রথমে মুসলমানই আনিয়াছে। ইহা সকলেই বলে এবং ইতিহাসের কথা—আমার নিজের কথা নয়। ন্যায়পরায়ণ সকলেই বলিবে যে, হিন্দুরাই অত্যাচারী—সেটা আমি আজ প্রমাণ করিয়া দেখাইব। আপনি এখনই দেখ্‌ছেন সভামুখ্য মহোদয়, কাহারা অত্যাচারী। ঐই সব অত্যাচারী হিন্দুর দল আমাকে আমার বক্তব্য বলিতে দিতেছে না। ইহারা বেহায়া, বে-আদব, বেশরম চক্ষুলজ্জা ও ভদ্রতাবিহীন। আপনি যদি সাহায্য না

করেন, তাহা হইলে, এই বেহায়া হিন্দুর অত্যাচারে আজ আমার বক্তৃতা দেওয়া সম্ভবপর হইবে না। অনর্থক আমার সময় নষ্ট হইতেছে। আপনি বিচারক, বিচার করুন কাহারা অত্যাচারী?

যাক্। বরিশালে ১৯২৭ সালে ৩৩১ জন ডিষ্ট্রিক্ট বোর্ডের কর্ম্মচারীর মধ্যে মুসলমান ছিল মাত্র ৫২ জন। আপনারা সকলে অভিনিবেশ সহকারে আমার কথা শুনিবেন এবং শুনিয়া বিচার করিবেন কাহারা মুসলমানদের উপর অত্যাচার করিতেছে। এই যে ৫২টী মুসলমান কর্ম্মচারী তার মধ্যে ৪১ জনই তখন ছিল সারাঙ্গ, সুখানী, খালাসী, মাঝি, মাল্লা, দপ্তরী, চাপরাসী ইত্যাদি menial বা অতি নিম্নশ্রেণীর কর্ম্মচারী। বাকি থাকে মাত্র ১১ জন। বরিশাল জেলা বোর্ডের অধীন ডিসপেন্সারীর সংখ্যা তখন ছিল ৩২টী, আর ডাক্তারের সংখ্যা ছিল ৪৫ জন, তার মধ্যে মুসলমান কয়জন? শুনুন, ভাল করিয়া শুনুন যেখানে মুসলমান শতকরা ৭১ আর হিন্দু শতকরা মাত্র ২১ সেই বরিশালে District Boardএর অধীন ৪৫ জন ডাক্তারের মধ্যে মুসলমান ছিল মাত্র দুইজন। (A member from the Congress bench : তারা বাঙালী না অবাঙালী?) Sir, আবার আমাকে বাধা দিতেছে!!

Mr. SPEAKER : You better go on.

Maulvi MD. MOZAMMEL HUQ: তারপর ৩২টী ডিস্‌পেন্‌সারীতে ৩৪ জন কম্পাউণ্ডারের ভিতর মুসলমান ছিল মাত্র দুইজন। তারপর ১১টী ওভারসিয়ার ও সাব্‌-ওভারসিয়ারের মধ্যে মুসলমান সাব্‌-ওভারসিয়ার ছিল মাত্র ২ জন। এই তিন শ্রেণীর কর্ম্মচারী তিন দুগুণে ছয় জন হলে ১১ জনের বাকি থাকে ৫ জন। এই ৫টী ছিলো ক্লার্ক। এটা ১৯২৭ সালে সেই জেলার বিবরণ যেখানে হিন্দুরা মাত্র শতকরা ২১ আর মুসলমান হইল শতকরা ৭১। মুসলমানেরা ডিষ্ট্রিক্টবোর্ডের চাকুরীর দিকে তাকিয়েও দেখে নাই তার আগে। সুতরাং ৪০ বৎসর ধরিয়া হিন্দুরা সেখানে আমাদের পাওনা দাবি নির্বিবাদে ভোগ করিয়াছে।

যখন আমি প্রশ্ন দিয়াছিলাম—তখনও মুসলমানদের মধ্যে বহুসংখ্যক শিক্ষিত ডাক্তার ছিলেন, তা সত্বেও মুসলমান তার ন্যায্য চাকুরী পায় নাই। সেই জন্য আমরা তখন ঠিক করিয়াছিলাম যে, half and half বা অর্দ্ধাঅর্দ্ধি ভাগ হবে। অর্থাৎ হিন্দুরা পাবে 50 per cent. আর মুসলমানও পাবে 50 per cent. (A Congress member : আপনাদের মধ্যে qualified men পাবেন কোথায়? বাইরে থেকে আনবেন তো?) আবার চিৎকার সুরু হলো! হাঁ বাইরে থেকেই আনা হইবে। বাইরের হোক তবু তারা মুসলমান আপনাদের মতন সংকীর্ণ আমরা নই। আপনাদের মুখার্জি, বাণার্জি, চাটার্জিরা তাদের কাছে আস্‌তে পারে না—(noise and interruption.) * * * এক মুসলমানের জন্য আর এক মুসলমানের খাঁটি প্রাণের টান আছে। মুসলমানের এইটাই ধর্ম্ম—সব মুসলমানই একে অন্যের ভাই—সে আরব থেকেই আসুক বা আরবীই হোক আর চীন থেকে আসুক বা চীনাই হোক—সকলেই মুসলমান,—সকলেই ভাই। মুসলমানের এই ভ্রাতৃত্ব লইয়াই ত হিন্দুর ঝগড়া।

হিন্দু সংকীর্ণ আর মুসলমান উদার। সংকীর্ণের সঙ্গে উদার মিলতে পারে না—বিশেষ না। তাই বোলছি—মুসলমান উদার। মুসলমান এই জগতকে উদারতা শিক্ষা দিয়াছে। (Dr. NALINAKSHA SANNYAL: সেই জন্যই তো বোলছি—আপনি বরিশালে যান।) হাঁ আমাদের বরিশাল—সে পুণ্যে বিশাল। আরো শুনুন—আমরা চেষ্টা করিয়া যখন মুসলমানদের চাকুরী দিতে আরম্ভ করিলাম, তখন হিন্দু বন্ধুগণ অনেকে walk out করিয়া চলে গেলেন। মুসলমানের দাবি প্রতিষ্ঠিত করিতে গেলেই walk out ছাড়া হিন্দুর আর উপায় কি আছে? এত দীর্ঘ দিন পরে—১৪ বৎসরের চেষ্টায় ৪৫টী ডাক্তারের মধ্যে মাত্র ১৯টী মুসলমান ডাক্তার নিযুক্ত করিতে পারিয়াছি। এখনো অর্দ্ধেকে আসিতে পারি নাই। তাহাতেই বরিশালের শতকরা মাত্র একুশ হিন্দু চিৎকারে আকাশ বিদীর্ণ করে বলে—"মুসলমানের অত্যাচারে চাকুরী পাওয়া যায় না বরিশালে হিন্দুর টিকা দায় হইয়াছে।" কিন্তু আমি জিজ্ঞাসা করি ইহাতে অপরাধ কার? আমাদের ন্যায্য প্রাপ্য দাবী শতকরা ৭১ পাওয়া ত দূরের কথা, এই দীর্ঘ ১৪ বৎসরের চেষ্টায় আমরা শতকরা ৫০ও পাই নাই। ওদিকে হিন্দরা ৪০ বৎসর ধরিয়া নির্বিবাদে আমাদের অংশ, আমাদের ভাগ খেয়েছে খেয়ে খেয়ে পেট মোটা, ভুঁড়ি মোটা করে আনন্দে নাচিয়া বেড়াইতেছে। আর এদিকে আমাদের জাতি যখন না খাইয়া মরিয়া যাইতেছে, আত্মহত্যা করিতেছে তখন যদি আমাদের ন্যায্য দাবিটা আমাদের লোকদের দেই, তুমি যদি তাতে আপত্তি কর, তাতে আমাদের এসে যাবে কি? আল্লার কাছে আমরা ন্যায্য পরায়ণই থাকিব! তোমরা এতকাল ধরিয়া আমাদের প্রাপ্যটা খাইয়া আসিতেছ আজ যখন আমার অংশ আমি নিজে বুঝিয়া পাইতে চাই, তখনই তুমি চিৎকার তুলিতেছ যে, মুসলমানের অত্যাচারে দেশে থাকা যাইবে না। আমি তো বেশী চাই না, মাত্র অর্দ্ধেক চাই। তাতেও চিৎকার! যদি আমার প্রাপ্য আমাকে না দাও, তবে তোমার কি অবস্থা হবে ভাবিয়াছ কি? কোন্ রাস্তা দিয়া তুমি চলিবে? (Dr. NALINAKSHA SANNYAL: ছেলেরা গুলি ছুড়বে।) ও কথায় চলবে না—তোমার টুঁটি চেপে আমাদের প্রাপ্য কড়ায় গণ্ডায় আদায় করিয়া ছাড়িব। এতদিন তো মুসলমানেরটা খেয়েছ, এখন বাপু, অবস্থা বুঝিয়া ঠাণ্ডা হও, সংযত হও। যত বড় বড় বারিষ্টার, বড় বড় প্রফেসার, বড় বড় ডাক্তার সাজিয়া যে এত রকমে খাইতেছ, এবার তোমাদের জিহ্বাটা টানিয়া ধরিব। আমাদের হক্—আমাদের অংশ এতদিন নির্বিবাদে খেয়ে খেয়ে তোমাদের জিহ্বা অতি মাত্রায় বাড়িয়া গিয়াছে। এখন আমাদের অংশ—আমাদের ভাগ দেখিলেই তোমাদের জিহ্বায় জল আসে—জিহ্বা খাওয়ার জন্য বাহির হইয়া আসে। এখন আর আমাদের অংশ খাইতে দিব না—আমরা নিজেরাই খাইব। কাজেই তোমাদের জিহ্বা এখন অর্দ্ধেক কাটিয়া ফেল। পরের হক্ খাইতে লজ্জা করে না তোমাদের? কারণ তোমাদের মতন অত্যাচারী আর কেউ নয়। অথচ ত্রাহি ত্রাহি ডাক ছাড়িতেছেন, ডাঃ শ্যামাপ্রসাদ মুখার্জি আর বলিতেছেন যে, মুসলমানের অত্যাচারে বাংলার হিন্দুরা মারা গেল! শুনুন, আরো বলিতেছি; বড়ই unpalatable লাগে বুঝি। এখন আমি কলিকাতায় আসিয়া কলিকাতা বিশ্ববিদ্যালয় বা ডাঃ শ্যামাপ্রসাদ মুখার্জির একচেটিয়া হিন্দু-দুর্গের কথা বলিতেছি। কলিকাতা বিশ্ব-বিদ্যালয় বরাবর হিন্দু দুর্গ হইয়া রহিয়াছে। সেখানে মুসলমানের প্রবেশ নিষেধ। মুসলমানের স্বার্থ সেখানে বরাবর পদদলিত হইয়া

আসিতেছে। বহু বর্ষ পূর্বে আমি যখন কলিকাতা বিশ্ববিদ্যালয়ে এম-এ ও ল পড়িতাম, আমাদের সেই পড়ার সময় কলিকাতা বিশ্ববিদ্যালয়ে দুটি দপ্তরী ছাড়া কেহই মুসলমান কর্মচারী ছিল না। Professorদের ভিতর মিঃ আবদুল্লা সোহরাওয়ার্দী আর মিষ্টার খোদাবক্স প্রভৃতি দুই একটী মুসলমান ছাড়া সমস্তই হিন্দু প্রফেসার ছিলেন। তাই দেখুন, আপনাদের হিন্দুর মতন স্বার্থপর ও অত্যাচারী আর কে কোথায় আছে? এইভাবে বহু যুগ ধরিয়া অত্যাচার দ্বারা মুসলমানের ধর্ম্ম culture সমস্তই নষ্ট করা হইয়াছে। আমরা এতকাল নীরবে হিন্দুর শত সহস্র অত্যাচার সহ্য করিয়াছি—এখন আর সহ্য করিব না। বাঙ্গলা দেশে মুসলমান শতকরা ৫৫, অনুন্নত সম্প্রদায়, জৈন, খৃষ্টান, বৌদ্ধ প্রভৃতি বহু সম্প্রদায় আছে। কলিকাতা বিশ্ববিদ্যালয়ে সকল সম্প্রদায়ের স্বার্থ রক্ষিত হওয়া দরকার। সকলের স্বার্থ রক্ষার জন্য আমরা Secondary Education Bill আনয়ন করিলে, তখনই ডাঃ মুখার্জি চিৎকার করিবেন—হুঙ্কার দিবেন—বাঙ্গলার হিন্দু রসাতলে গেল! তেলে আর জলে কখনও মিশে না। হিন্দু ও মুসলমানের সঙ্গেও সেরূপ মিল হইতে পারে না। চিরকাল হিন্দু মুসলমানের দুষমণ। আজ তীব্র-ভাবে ঘোষণা করিতে হইবে—হিন্দু মুসলমানের চির দুষমণ—চির শত্রু! (cries of shame shame!) আপনাদের হিন্দু দেবতা মহাত্মা গান্ধির কথাই বলুন, আর মহাপণ্ডিত জহরলালের কথাই বলুন, মুখার্জি, বানার্জি, চাটার্জি, দত্ত, বসু, বিশ্বাস, সিংহ, হাতি, বাঘ, যত জনে যত চিৎকারই করুন, মুসলমান হিন্দুর প্রকৃত পরিচয় পাইয়াছে, তাই সে আজ জানে হিন্দু তার শত্রু, তার দুষমণ—এ ছাড়া আর কিছু সে ভাবতে পারে না। আমরা মুসলমানের চাই Scheduled castesদের উন্নতি করার জন্য তাঁদের দায়িত্ব গ্রহণ করিতে। তখনি আওয়াজ ওঠে—মুসলমান খারাপ ওরা হিন্দুর সর্ব্বনাশ করিতেছে। কিন্তু বাপু বাংলা দেশটা কী তোমার? বাংলা দেশে শতকরা ৫৫ জনই হচ্ছে মুসলমান। মুসলমান-সিংহ এতদিনে জাগ্রত হইয়াছে—নভোস্থল তার গর্জ্জনে প্রতিধ্বনিত হইতেছে—সে গর্জ্জনে তোমাকে কম্পিত হতেই হবে।

Mr. SHAMSUDDIN AHMED: Mr. Speaker, Sir, leaving aside the fulminations of my friend over there, who has just now finished——

Mr. SPEAKER: As it will not be possible to finish the debate to-day, I think it is better to adjourn now, because, after you have spoken, I shall have to ask the Hon'ble the Chief Minister to reply on behalf of Government, and under the rules he will have to be given half an hour.

Mr. SHAMSUDDIN AHMED: If no other member is going to speak, after I have finished, then I shall ask my friend to withdraw his resolution.

Mr. SPEAKER: In any case it will not be possible to finish the debate to-day, because I have got to give sufficient time to the Hon'ble the Chief Minister to reply. So I suggest that the House do now adjourn, so that we may take it up next day.

Dr. NALINAKSHA SANYAL: Sir, there are other important resolutions.

Mr. SPEAKER: I cannot help that.

Mr. SANTOSH KUMAR BASU: I think, Sir, if you had allowed Mr. Shamsuddin Ahmed to make a statement, you might have arrived at the decision that it was unnecessary to prolong the debate, and the Government benches might have been persuaded to take that view. Mr. Shamsuddin Ahmed is a leader of the Krishak-Proja Party, of which a member has brought forward the resolution.

Mr. SPEAKER: We cannot finish it to-day in any case.

Mr. ABDUR RAHAMAN SIDDIQI: Sir, Mr. Nausher Ali also got up and it appeared that he was very anxious to speak.

Mr. SPEAKER: What I say is this, that I have got to allow the Chief Minister the usual time, which is half an hour.

Mr. SHAMSUDDIN AHMED: Sir, as I was just saying, that leaving aside the fulminations of my friend over there who has just now spoken, the fundamental fact that stands out in this resolution is the Constituent Assembly. My friend Mr. Badrudduja has spoken about the cultural traditions of Mussalmans. Sir, in this resolution there is nowhere mentioned that the cultural or the religious traditions of Mussalmans will not be safeguarded. I also find Dr. Syamaprasad Mookerjee who opposed the resolution said in his speech that he could not accept it because in it there is the mention that the interests of Mussalmans will be safeguarded by only Mussalmans themselves. Therefore, Sir, I think the resolution is being interpreted by different parties from different angles of vision. My friend Dr. Mookerjee is saying that the Hindu interests might be in jeopardy; others think that the Muslim interests would be in jeopardy. I believe, Sir, that if those who think in those terms were to agree to the proposal for a Constituent Assembly and sit down and frame a Constitution for the future of India, both Hindus and Mussalmans would try to live in amity, leaving aside the third power that is dominating the land at the present moment. My point of view is this. We want the Constituent Assembly because we desire that the future Constitution of India should be framed by Indians themselves. What does it mean? It means this. If the Hindus, the Mussalmans and the Christians whoever inhabit this land would come to the Constituent Assembly and if they do not agree to frame a Constitution for our country, they will never be able to live in peace in this country. If we conceive of a third

power, a third paramount power, then alone we can conceive of a Pakisthan, Hindusthan or any *sthan* in this country. My friends opposite have said in this House just at this hour that the interests of Mussalmans can be safeguarded. How? They can dream of that only. I ask them: Has the British Government safeguarded the interests of Mussalmans? No. Are the Hindus satisfied with the Constitution that has been given to this country? What is it that we are striving after? We are striving after peace in this land. We are striving that the economic exploitation which the country is suffering from must stop; that the political bondage that the country is suffering from must vanish; that the people of India must enjoy the freedom which is real freedom. If the Britishers think of democracy, let us also think in terms of democracy. Sir, democracy might be interpreted in different countries in different lights. Even in totalitarian States, in Germany and in Italy, they speak of democracy. In Russia which is under a communist form of Government, they speak of democracy a great deal. There is the Peoples' Parliament. Therefore, where do we stop? We conceive that in this country in spite of the fact that various religious people inhabit this land—we can conceive of a Constitution wherein we can live and whereby we can safeguard the cultural and religious traditions of Hindus and Muslims and thereafter live in this country minus the third power that is ruling over this country at present. That is the only thing that can satisfy the people of this province. Some of my friends over there have deplored the lot of Muslims of Bengal, and my friend Mr. Mozammel Huq has very vigorously put forward the plea that the Hindus have snatched away the rights of Muslims. May I ask him in all humility who was ruling over this country before 1757? Is it not the Mussalmans? We were ruling this country, and the Hindus were the people who thought that they were being tyrannised over by the Muslims. Who has brought about this condition? Why does not my lion friend, who was sleeping so long, get up and find out the real man who is responsible for this state of affairs? Does he fear that because there are other things which are waiting for him he cannot take the initiative in the matter and think that it is very easy to shout down the Hindus in this House? Sir, I am not going to discuss the details. It might be that in some places the Hindus might have encroached upon the rights of the Muslims and in other places the Muslims have encroached upon the rights of the Hindus (Cries of "No, no" from the Coalition benches.) (Dr. NALINAKSHA SANYAL: What about the Calcutta Corporation?) It is quite possible in many places, but my point of view is absolutely different. We are thinking of the time when the Hindus, the Muslims and people of other communities who inhabit this land will meet at a place and devise their own Constitution not at the dictation of a third party, but by

arriving at a mutual agreement. Unless you do all agree, you can not frame your own Constitution. A Constitution cannot be thrust upon us. We all know the history of Magna Charta and how the barons of England forced King John to sign the Magna Charta at Runnymede. They did it in their own country for safeguarding their own rights. What is this resolution that has been suggested for our own Constitution? It says that this Assembly is of opinion that the Government of Bengal should convey to the Government of India and through them to the British Government that the future Constitution of India should be framed by a Constituent Assembly. I leave aside the other portion. The whole thing is that the future Constitution of India should be framed by a Constituent Assembly. What is there to be afraid of? If you are thinking that the Britishers should remain in this country for ever and get you to establish Pakisthan, Hindusthan, of other *sthans*, then there is no hope for India. But if you really think that it is your own country, that you inhabit this country and that you really want to live in peace, then, Sir, it is really through such a Constitution that the whole question can be solved.

Now, Sir, my point is this. There is some difference of opinion about the procedure, or the modus operandi, of election to the Constituent Assembly. One of my friends referred to the resolution of the Azad Muslim Conference. Sir, I happened to be present at that Conference. I am sorry that my honourable friend Mr. Maqbul Husain who has drafted this resolution at his own instance has not made it clear, so far as election to the Constituent Assembly is concerned. That ought to be done on a separate electorate basis and adult franchise. When many groups meet together, then whatever Constitution is finally decided upon will have to be framed having regard to the cultural and religious traditions of different communities by mutual agreement of people who are present at the Constituent Assembly. Therefore, I believe that that portion of the resolution which refers to a Constituent Assembly has got nothing to be objected to. After what I have said just now, I do not think I should say more. I am asking my friend——

Dr. NALINAKSHA SANYAL: (To the Secretary who had gone then to that side of the House and was talking to a member)—Probably Great Britain is being invaded. Don't disturb him. (Laughter from Congress benches.)

Mr. SPEAKER: Order, order. May I remind you, Dr. Sanyal, that you are not the Speaker in this House? You are arrogating to yourself functions to which you are not entitled. I directed the Secretary to tell the member concerned that he is not to read newspapers in the House. By your interruption you are assuming a responsibility which does not belong to you.

Dr. NALINAKSHA SANYAL: I submit to your ruling, Sir. I saw somebody cross the well of the House and so I was only pointing out——

Mr. SPEAKER: Order, order, that will do.

Mr. SHAMSUDDIN AHMED: Sir, I fully endorse the resolution that was passed at the Azad Muslim Conference and that is the party's view. Here my friend Mr. Maqbul Husain has put forward this resolution on his own behalf. I am asking my friend to withdraw the resolution. (Cries of "Hear! hear!" from the Coalition benches.)

Mr. MAQBUL HUSAIN: Sir, I beg leave of the House to withdraw my resolution.

(Mr. Abdur Rahman Siddiqi rose to speak.)

Mr. SPEAKER: Order, order. As leave has been asked for to withdraw the resolution, under the rules I have got to put it immediately before the House.

Mr. ABDUR RAHMAN SIDDIQI: If there is no other alternative, I think I must sit down.

Mr. SPEAKER: Leave has been asked for to withdraw the resolution, and under the rules I have to put it immediately for the decision of the House without discussion.

The question, namely, that the resolution of Mr. Maqbul Husain that this Assembly is of opinion that the Government of Bengal should convey to the Government of India and through them to the British Government that the future Constitution of India should be framed by a Constituent Assembly elected on the basis of adult franchise with safeguards for the protection of the rights and interests of Muslims to be determined solely by the Muslim members of such Assembly, the representatives of other communities or any foreign power having no right to interfere with their decision, be allowed to be withdrawn, was then put and lost.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the question be now put.

Mr. SPEAKER: I think the only other alternative for me is to put the resolution before the House, if the Hon'ble the Chief Minister will kindly finish his speech in a few minutes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think it is only fair that when leave has not been given by the House to withdraw the motion, members should have an opportunity to speak on the motion. After all, Mr. Shamsuddin Ahmed has spoken on this resolution last, and I think it reasonable to consider that the reason why leave has been refused is because members on this side have not yet sufficiently spoken on the motion.

Mr. SANTOSH KUMAR BASU: Sir, I submit that that is not the only interpretation possible on the vote refusing leave to withdraw the motion. The other interpretation possible is that the matter will now go to vote because it is not withdrawn; but it does not necessarily follow that the debate will continue.

Mr. SPEAKER: But if members are anxious to speak, I cannot help it.

Dr. NALINAKSHA SANYAL: Sir, the question may now be put.

Mr. SPEAKER: The same result may follow; of course, it is open to me to accept the motion and put it before the House. But do you mean to say that a party or group that does not accept the withdrawal motion will accept the closure motion?

Dr. NALINAKSHA SANYAL: Sir, that does not matter. Let the closure motion be now put.

Mr. SANTOSH KUMAR BASU: Sir, so far as the closure motion is concerned, you are to decide whether there has been a proper debate on the subject under discussion. Now this matter has been before the House for the last two hours and a half and members of different groups have spoken. I submit that you are to decide the question purely on the issue as to whether there has been a proper and full debate.

Mr. SPEAKER: I do realise it and I am willing to accept that there has been a full debate after it has been continued for two and a half hours. After that, my function ceases, and I will have to put it before the House to decide the question.

Mr. SANTOSH KUMAR BASU: Sir, let the House decide and the responsibility will be theirs.

The question before the House that the question be now put was then put and a division taken with the following result:—

AYES—56.

Abdul Wahed, Maulvi.
Abul Fazal, Mr. Md.
Ahmed Khan, Mr. Syed.
Aminuddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maninda Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahur Rahman, Maulvi.
Zaman, Mr. A. M. A.

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Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafuddin, Mr. M.
Badruddoja, Mr. Syed.
Bhuyan, Mr. Rasik Lal.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dasa, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Hasan Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhaj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Husina Murshed, Mrs. M.B.E.
Hutomally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawam Jah Syed.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Sasku Behari.
Mandal, Mr. Birat Chandra.
Mondal, Mr. Jagat Chandra.
Maniruddin Ahmad, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Muhammad Ghani, Maulvi Md.
Mohammed Afzal, Khan Bahadur Maulvi Syed.
Mohammed Ishaque, Maulvi.

Muhammad Israil, Maulvi.
Muhammad Siddiqui, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
——— Naqus, Mr. Syed.
Nandy, the Hon'ble Maharaja Sriochandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Patton, Mr. J. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ranber Rahman Khan.
Roy, Mr. Patiram.
Sahebe Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sirajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Zaher Ahmed Choudhury, Maulvi.

The Ayes being 56 and the Noes 87, the motion was lost.

Mr. SPEAKER: I will now adjourn the House.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. On a definite decision which the House has taken, it should be permissible for the House to continue the debate. We moved that the debate be now closed, but the closure motion has not been accepted by the House. The meaning thereof is that the House desires to continue the debate. If that is the position, I submit that you should not exercise any other authority to stultify the decision of the House.

Mr. SPEAKER: I am trying to give effect to it. The House will have more time on the next occasion.

Adjournment.

It being 8-10 p.m.—

The House was adjourned till Monday, the 22nd July, 1940, at the Assembly House, Calcutta.

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